

In the Matter of:

BRENDA SWEETLAND

vs.

WHEELABRATOR SAUGUS

ANTHONY COGLIANO

January 23, 2023



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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NO. 1:21-CV-10759-LTS

- - - - - x
BRENDA SWEETLAND, on behalf of herself
and all others similarly situated,
Plaintiff

vs.

WHEELABRATOR SAUGUS, INC.,
Defendant

- - - - - x

DEPOSITION OF ANTHONY COGLIANO, a
witness called on behalf of the Plaintiff, taken
pursuant to notice before Robert M. Bramanti,
Certified Shorthand Reporter, Registered Merit
Reporter and Notary Public in and for the
Commonwealth of Massachusetts, at the offices of
Colonna, Doyle & Simeola, 26 Main Street, third
floor, Lynnfield, Massachusetts, on Monday,
January 23, 2023, commencing at 2:02 p.m.

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<p style="text-align: right;">2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 Laura L. Sheets, Esq.</p> <p>4 Liddle Sheets Coulson P.C.</p> <p>5 975 E. Jefferson Avenue</p> <p>6 Detroit, Michigan 48207</p> <p>7 313.392.0015/lsheets@lscounsel.com</p> <p>8 Present via Zoom Videoconferencing</p> <p>9</p> <p>10 Leo S. Fama, II, Esq.</p> <p>11 Fama Law Offices</p> <p>12 161 South Main Street, Unit 105</p> <p>13 Middleton, Massachusetts 01949</p> <p>14 617.387.5900/leo@famalawoffice.com</p> <p>15 Attorney for Richard Cogliano</p> <p>16 Present in person</p> <p>17</p> <p>18 Richard A. Oetheimer, Esq.</p> <p>19 Goodwin Procter LLP</p> <p>20 100 Northern Avenue</p> <p>21 Boston, Massachusetts 02210</p> <p>22 617.570.1259/roetheimer@goodwinlaw.com</p> <p>23 Attorney for the Defendant</p> <p>24 Present in person</p> <p>ALSO PRESENT:</p> <p>Michael O'Friel, Esq.</p> <p>General Counsel, Wheelabrator</p> <p>Present via Zoom Videoconferencing</p>	<p style="text-align: right;">4</p> <p>1 P R O C E E D I N G S</p> <p>2</p> <p>3 (Deposition Exhibit Nos. 1 - 8</p> <p>4 premarked for identification.)</p> <p>5</p> <p>6 ANTHONY COGLIANO, a witness called for</p> <p>7 examination by counsel for the Plaintiff, having</p> <p>8 been first satisfactorily identified by his</p> <p>9 Massachusetts driver's license, was duly sworn,</p> <p>10 was examined, and testified as follows:</p> <p>11</p> <p>12 MS. SHEETS: Let the record reflect, this</p> <p>13 is the deposition of Anthony Cogliano taken</p> <p>14 pursuant to notice and agreement of counsel to</p> <p>15 be used for all purposes under the court rules.</p> <p>16</p> <p>17 Examination by Ms. Sheets:</p> <p>18 Q. Good afternoon, Mr. Cogliano. I introduced</p> <p>19 myself before we went on camera here and you</p> <p>20 have graciously agreed to let me call you</p> <p>21 Anthony and you are going to call me Laura today</p> <p>22 just so we can hopefully get through this</p> <p>23 process as quickly as possible.</p> <p>24 As you just heard from the court</p>
<p style="text-align: right;">3</p> <p>1 I N D E X</p> <p>2 Deposition of: Page</p> <p>3 ANTHONY COGLIANO</p> <p>4 Examination by Ms. Sheets 4</p> <p>5 Examination by Mr. Oetheimer 80</p> <p>6 Further Examination by Ms. Sheets 105</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11 -----</p> <p>12</p> <p>13 E X H I B I T S</p> <p>14 No. Page</p> <p>15 1 Deposition Subpoena 4</p> <p>16 2 Liddle Sheets Letter, 12/22/22 4</p> <p>17 3 Blank Declaration 4</p> <p>18 4 2nd Answers to Interrogatories 4</p> <p>19 5 Anderson Declaration, 6/11/22 4</p> <p>20 6 Anderson Declaration, 8/22/22 4</p> <p>21 7 Wickedlocal.com Article 4</p> <p>22 8 Itemlive.com Article 4</p> <p>23 9 Cogliano Declaration 81</p> <p>24 10 Photo of 8/1/22 Oetheimer Text 89</p>	<p style="text-align: right;">5</p> <p>1 reporter, he's going to be taking down</p> <p>2 everything that's being said here today. So</p> <p>3 it's important that we try not to speak over</p> <p>4 each other, especially given the little bit of</p> <p>5 lag that we may have in technology. We will get</p> <p>6 through this here hopefully as quickly as</p> <p>7 possible.</p> <p>8 Can you please state your full name for</p> <p>9 the record.</p> <p>10 MR. OETHEIMER: Laura, how about we -- I</p> <p>11 make my appearance on the record.</p> <p>12 MS. SHEETS: Oh, I'm sorry.</p> <p>13 MR. OETHEIMER: I'll start.</p> <p>14 I'm Richard Oetheimer from Goodwin</p> <p>15 Procter, representing the defendant,</p> <p>16 Wheelabrator Saugus, Inc.</p> <p>17 MR. FAMA: I'm Leo Fama, representing</p> <p>18 Anthony Cogliano.</p> <p>19 A. And then William Cogliano, Sr.</p> <p>20 Q. Okay. Can you identify your home address for</p> <p>21 the court reporter, please.</p> <p>22 A. 27 Serino Way, Saugus, Mass., 01906.</p> <p>23 Q. As we talked about, I briefly introduced myself</p> <p>24 a little bit more casually before we went on</p>

<p style="text-align: right;">6</p> <p>1 camera today. Is it your understanding that I</p> <p>2 represent Brenda Sweetland in a putative class</p> <p>3 action that has been filed on behalf of her and</p> <p>4 other residents in the area claiming to have the</p> <p>5 use and enjoyment of their property interfered</p> <p>6 with by odors and dust from Wheelabrator. Do</p> <p>7 you understand that?</p> <p>8 A. Yes, I do.</p> <p>9 Q. Okay. I presume at this point you have had an</p> <p>10 opportunity to meet Mr. Oetheimer in the room,</p> <p>11 as he put his appearance on the record?</p> <p>12 A. Yes.</p> <p>13 Q. We established you are represented by counsel</p> <p>14 today, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Have you ever been deposed before?</p> <p>17 A. Yes.</p> <p>18 Q. Can you tell me just briefly what that entailed.</p> <p>19 A. I was deposed in a -- many times. One was a</p> <p>20 larceny suit against me. I have been deposed</p> <p>21 for matters regarding my business in the past.</p> <p>22 Q. Okay. Anything else that you can think of</p> <p>23 sitting here today?</p> <p>24 A. No.</p>	<p style="text-align: right;">8</p> <p>1 make any sense, you can always ask me to clarify</p> <p>2 my question and I would be happy to do so.</p> <p>3 Okay?</p> <p>4 A. Sure.</p> <p>5 Q. Okay. The other thing, as I told you, we are</p> <p>6 trying to get through this as quickly as</p> <p>7 possible, but if, in fact, at any point you do</p> <p>8 need to take a break, you can certainly let me</p> <p>9 know. Just finish answering the last question</p> <p>10 that I pose to you and we can take a break at</p> <p>11 any time.</p> <p>12 A. Okay.</p> <p>13 Q. The other point may be, since you are</p> <p>14 represented by counsel today, and since</p> <p>15 Wheelabrator has an attorney present, as well,</p> <p>16 you may hear certain objections after I pose a</p> <p>17 question. And unless someone, namely your</p> <p>18 attorney, informs you or instructs you not to</p> <p>19 answer a question, you just let the objection be</p> <p>20 made for the record, but then you go ahead and</p> <p>21 provide an answer. Understood?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. I am having a little bit of difficulty</p> <p>24 hearing you. I don't know if -- I can try to</p>
<p style="text-align: right;">7</p> <p>1 Q. When approximately was the last time you sat for</p> <p>2 a deposition, ballpark?</p> <p>3 A. 2017.</p> <p>4 Q. Okay. Have all those issues, the cases, been</p> <p>5 resolved that you just referenced?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. I'm sure that you remember sort of the</p> <p>8 ground rules, but I'm just going to cover a few</p> <p>9 of them.</p> <p>10 One of which we have already touched upon</p> <p>11 today, which is it's very important that we</p> <p>12 don't speak over each other so that the court</p> <p>13 reporter can take down everything that you say.</p> <p>14 If you give answers such as uh-huhs or</p> <p>15 uh-uhs, which are normal in daily conversation,</p> <p>16 I'm going to correct you or the court reporter</p> <p>17 may, just so that we make sure that we get a yes</p> <p>18 or no on the record and then it's clear.</p> <p>19 Understood?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Great. If you answer my question, I'm</p> <p>22 going to presume that you understood it. Okay?</p> <p>23 A. Okay.</p> <p>24 Q. If at any point it's too wordy or it doesn't</p>	<p style="text-align: right;">9</p> <p>1 turn things up on my end, but I will let you</p> <p>2 know if I can't hear anything today.</p> <p>3 Are there any medications that you are</p> <p>4 taking today that might impair your ability to</p> <p>5 give truthful testimony?</p> <p>6 A. No.</p> <p>7 Q. Great. Then I'm going to refer you right now to</p> <p>8 what we have previously before you arrived</p> <p>9 marked as deposition Exhibit 1. I don't know --</p> <p>10 do you want to pull those over.</p> <p>11 MR. OETHEIMER: Yeah.</p> <p>12 MS. SHEETS: I didn't mean to put you to</p> <p>13 work.</p> <p>14 Q. Take a few minutes and familiarize yourself with</p> <p>15 that. When you are done, just let me know.</p> <p>16 A. All set.</p> <p>17 Q. Have you seen that document before?</p> <p>18 A. Yes.</p> <p>19 Q. Sorry, yes?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. What's your understanding of what this</p> <p>22 document is?</p> <p>23 A. It states that I have to be here for a</p> <p>24 deposition.</p>

<p style="text-align: right;">10</p> <p>1 Q. Understood. I'm sure you've been informed by</p> <p>2 your attorney that we all talked amongst</p> <p>3 ourselves to figure out a different date that</p> <p>4 was mutually convenient and that's why we are</p> <p>5 here today. And I appreciate that.</p> <p>6 Are you a licensed lawyer, sir?</p> <p>7 A. No.</p> <p>8 Q. Okay. Have you ever attended any law school</p> <p>9 classes?</p> <p>10 A. Yes.</p> <p>11 Q. Tell me about that.</p> <p>12 A. I went to Mass. School of Law and I was there</p> <p>13 for two years, 1999 through 2000.</p> <p>14 Q. Did you graduate?</p> <p>15 A. No.</p> <p>16 Q. So you've never taken the bar exam, correct?</p> <p>17 A. No.</p> <p>18 Q. Do you know, sitting here today, what a class</p> <p>19 action is?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Generally, tell me what your</p> <p>22 understanding of that is.</p> <p>23 A. So the Sweetlands are trying to get other people</p> <p>24 in the area to agree with them that there's a</p>	<p style="text-align: right;">12</p> <p>1 Notwithstanding two years of law school,</p> <p>2 I mean, you are asking sort of legal questions.</p> <p>3 I will object for the record. But, you know,</p> <p>4 subject to my objection, if he has an</p> <p>5 understanding, he can provide it.</p> <p>6 A. I don't believe so, no.</p> <p>7 Q. Thank you, Anthony.</p> <p>8 Let's take a look at what's been marked</p> <p>9 as Exhibit 2, please.</p> <p>10 MS. OETHEIMER: I'm going to go through</p> <p>11 the pile. I assume they are in order.</p> <p>12 MS. SHEETS: Yeah, there's nothing --</p> <p>13 feel free.</p> <p>14 Q. Anthony, same thing, whenever I give you a 15</p> <p>document today, take your time and read it over 16</p> <p>and let me know when you've had an opportunity 17</p> <p>to look at it.</p> <p>18 MR. OETHEIMER: Since there's only one</p> <p>19 set on the table, Laura, could you just identify</p> <p>20 Exhibit 2 for the record.</p> <p>21 MS. SHEETS: Sure. Let me wait until</p> <p>22 he's done.</p> <p>23 MR. OETHEIMER: Thank you.</p> <p>24 A. I'm all set.</p>
<p style="text-align: right;">11</p> <p>1 problem with Wheelabrator and they are trying to</p> <p>2 get everyone together as a class action to file</p> <p>3 suit against Wheelabrator.</p> <p>4 Q. Okay. I appreciate that. You were answering a</p> <p>5 little bit more specifically. I was just kind</p> <p>6 of asking generically what your understanding</p> <p>7 was. That's pretty good.</p> <p>8 Is this an understanding, in terms of</p> <p>9 what you just said about a class action, is that</p> <p>10 from attending law school classes?</p> <p>11 A. That and television.</p> <p>12 Q. Okay. Do you know sitting here what a putative</p> <p>13 class member is?</p> <p>14 A. Say that again.</p> <p>15 Q. A putative class member, do you understand what</p> <p>16 that is?</p> <p>17 A. A class member that's seeking damages.</p> <p>18 MR. FAMA: I can't answer. You answer.</p> <p>19 Q. Can you guys hear me?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Do you know if you are a putative class</p> <p>22 member in this proposed class action?</p> <p>23 MR. OETHEIMER: Objection, for the</p> <p>24 record.</p>	<p style="text-align: right;">13</p> <p>1 Q. Okay. Anthony, I'm going to represent to you</p> <p>2 that this is a letter on my firm's letterhead,</p> <p>3 Little Sheets Coulson, that was sent on</p> <p>4 September 22nd to Anthony Cogliano at 27 Serino</p> <p>5 Way in Saugus, Massachusetts, 01906.</p> <p>6 Have you seen this document before?</p> <p>7 A. I have, yes.</p> <p>8 Q. Okay. Did you receive this at your home?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Did you bring any documents with you</p> <p>11 today?</p> <p>12 A. No.</p> <p>13 Q. Did you take a look at your phone for the</p> <p>14 requests in the letter to see if you had any</p> <p>15 text messages to anyone regarding the</p> <p>16 declarations we are going to talk about today?</p> <p>17 A. I go through cell phones monthly. So to find</p> <p>18 one that was from that time period, I wouldn't</p> <p>19 -- first of all, I wouldn't have it. They break</p> <p>20 and whatnot. So I don't have any messages at</p> <p>21 all, any text messages to show you today.</p> <p>22 Q. But you did do a search for those, correct?</p> <p>23 A. Yes, correct.</p> <p>24 Q. Okay. Are there any documents, aside from the</p>

<p style="text-align: right;">14</p> <p>1 declarations that we are going to look at and</p> <p>2 talk about today, in your possession that</p> <p>3 involve this lawsuit in any way?</p> <p>4 A. No.</p> <p>5 Q. Have you ever exchanged any emails with Richard</p> <p>6 Oetheimer, Wheelabrator's counsel, that's</p> <p>7 present in the room today?</p> <p>8 A. I don't believe so.</p> <p>9 Yes, I have. He did send me an email.</p> <p>10 Q. Okay. Do you know approximately when that was?</p> <p>11 A. August.</p> <p>12 Q. Do you remember what the substance of that email</p> <p>13 was?</p> <p>14 A. The declarations.</p> <p>15 Q. What exactly was said in the email?</p> <p>16 A. I don't know exactly what was said, but it was</p> <p>17 along the line to -- we get a set of</p> <p>18 declarations that I signed and we had to get the</p> <p>19 people that offered the information to sign them</p> <p>20 themselves.</p> <p>21 Q. Okay. Anthony, you are going to hear me say</p> <p>22 things to Richard or Leo during the day you can</p> <p>23 just ignore.</p> <p>24 MS. SHEETS: I'm going to make a request</p>	<p style="text-align: right;">16</p> <p>1 A. No.</p> <p>2 Q. So you did do a thorough search to see if you</p> <p>3 had any documentation that was requested in the</p> <p>4 letter that's been marked as Exhibit 2, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Thank you.</p> <p>7 Aside from that, what did you do to</p> <p>8 prepare for your deposition today?</p> <p>9 A. Nothing.</p> <p>10 Q. Okay. Did you have conversations with Mr. Fama?</p> <p>11 A. Mr. Fama?</p> <p>12 Q. Yes.</p> <p>13 A. Yes.</p> <p>14 Q. You didn't refresh your recollection and look at</p> <p>15 any declarations?</p> <p>16 A. You asked me if I talked to him today. I talked</p> <p>17 to him on Friday.</p> <p>18 Q. Okay. Fair enough.</p> <p>19 Did you review any of the declarations in</p> <p>20 advance of your deposition today?</p> <p>21 A. A few.</p> <p>22 Q. Okay. Do you remember which ones?</p> <p>23 A. I don't.</p> <p>24 Q. Okay. Why did you look at just a few and not</p>
<p style="text-align: right;">15</p> <p>1 on the record, Richard, again, you sent over</p> <p>2 some emails in the last couple of days. But I</p> <p>3 think, in fact, we didn't receive that email.</p> <p>4 I'm going to be making that on the record that</p> <p>5 you produce that.</p> <p>6 Q. Do you think that was just the one email</p> <p>7 exchange that you had with Mr. Oetheimer?</p> <p>8 A. I believe so.</p> <p>9 MR. OETHEIMER: Laura, I don't know if</p> <p>10 you want me to answer. I don't believe I</p> <p>11 emailed him.</p> <p>12 MS. SHEETS: No, that's okay. That's</p> <p>13 okay. We will just keep what we've got on</p> <p>14 there. If you ever sent it to me, I will find</p> <p>15 it, but if you haven't, please do.</p> <p>16 MR. OETHEIMER: Okay.</p> <p>17 Q. (By Ms. Sheets) Have you ever exchanged any</p> <p>18 emails with any of the declarants --</p> <p>19 A. No.</p> <p>20 Q. -- who we will be talking about today? I'm</p> <p>21 sorry. Go ahead.</p> <p>22 A. No.</p> <p>23 Q. Have you ever exchanged any emails with Jack</p> <p>24 Walsh regarding the declarations?</p>	<p style="text-align: right;">17</p> <p>1 all?</p> <p>2 A. What's that?</p> <p>3 Q. Why did you look at just a few and not all of</p> <p>4 them?</p> <p>5 A. I think there was a question regarding</p> <p>6 signatures on a few that he showed me.</p> <p>7 Q. Okay. Who was that, your counsel?</p> <p>8 A. Yes.</p> <p>9 Q. Let me be clear for the record, I'm not allowed</p> <p>10 to and I'm not interested in knowing about any</p> <p>11 conversations that you had with your attorney.</p> <p>12 Okay?</p> <p>13 A. Okay.</p> <p>14 Q. I don't want to get into that. I can ask</p> <p>15 specifics about when you talked to him, but not</p> <p>16 what you talked about. I just want to make that</p> <p>17 clear so you don't offer anything in advance of</p> <p>18 that.</p> <p>19 Did you discuss your deposition with</p> <p>20 Mr. Oetheimer?</p> <p>21 A. No.</p> <p>22 Q. Did you discuss your deposition with Jack Walsh?</p> <p>23 A. No.</p> <p>24 Q. Did you discuss your deposition with any of the</p>

<p style="text-align: right;">18</p> <p>1 declarants?</p> <p>2 A. No.</p> <p>3 Q. Aside from the few declarations that you just</p> <p>4 talked about, did you review any other documents</p> <p>5 in anticipation of your deposition?</p> <p>6 A. No.</p> <p>7 Q. Okay. Are you aware that there were six people</p> <p>8 recently who sat for their depositions in this</p> <p>9 case to talk about their declarations?</p> <p>10 A. Yes.</p> <p>11 Q. Did you read any of those deposition</p> <p>12 transcripts?</p> <p>13 A. No.</p> <p>14 Q. Did you ask to read any of those deposition</p> <p>15 transcripts?</p> <p>16 A. No.</p> <p>17 Q. Do you know who was deposed?</p> <p>18 A. I know Liz Marchese was deposed, Stephanie</p> <p>19 Fernandez, Craig Serino, John -- I can't think</p> <p>20 of his last name, and Doug Clark.</p> <p>21 Q. Did you talk to any of those individuals you</p> <p>22 just named after their deposition?</p> <p>23 A. Craig Serino.</p> <p>24 Q. What did Craig have to say?</p>	<p style="text-align: right;">20</p> <p>1 Q. Okay. Let's take a look at Exhibit No. 3,</p> <p>2 please. When you've had a chance to look at it,</p> <p>3 let me know when you are done.</p> <p>4 A. Okay.</p> <p>5 Q. I'm going to represent for the record here today</p> <p>6 that this was provided to us by Wheelabrator in</p> <p>7 response to our discovery request. It has the</p> <p>8 caption of the case, Brenda Sweetland versus</p> <p>9 Wheelabrator Saugus, and down on the bottom</p> <p>10 right-hand corner there is a stamp, Bates stamp,</p> <p>11 that says WB Saugus-009630. Did I get that</p> <p>12 correctly?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Great. Again, I'm going to represent to</p> <p>15 you this is something that was provided to us by</p> <p>16 Wheelabrator throughout the course of this</p> <p>17 discovery, which we can ask them for documents.</p> <p>18 Have you seen a copy of this document</p> <p>19 without the stamp before today?</p> <p>20 A. Yes.</p> <p>21 Q. I'm going to ask some things that will hopefully</p> <p>22 make this easier.</p> <p>23 You understand that you are here today to</p> <p>24 testify about declarations that have been</p>
<p style="text-align: right;">19</p> <p>1 A. He said it was the most aggravating two hours of</p> <p>2 his life.</p> <p>3 Q. Okay. Anything else in addition to that?</p> <p>4 A. No.</p> <p>5 Q. He didn't talk to you about what he was asked?</p> <p>6 A. He said he was asked time and time again if his</p> <p>7 signature was on the page.</p> <p>8 Q. Okay. Did he tell you what his answer was?</p> <p>9 A. He said it was his signature on -- the second</p> <p>10 one was his signature.</p> <p>11 Q. Okay. Understood.</p> <p>12 So did you talk to any of the other</p> <p>13 people that were deposed other than Craig</p> <p>14 Serino?</p> <p>15 A. John Cooper called me just basically to say the</p> <p>16 same thing. It was aggravating.</p> <p>17 Q. Okay. Was that a phone conversation?</p> <p>18 A. He's my neighbor. I was doing --</p> <p>19 Q. Okay. How about Mr. Serino, was that a phone</p> <p>20 conversation?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Anybody else outside of those two</p> <p>23 individuals?</p> <p>24 A. No.</p>	<p style="text-align: right;">21</p> <p>1 produced in the Sweetland case, correct?</p> <p>2 A. Yes.</p> <p>3 Q. You understand people other than you obtained</p> <p>4 declarations from residents in this case,</p> <p>5 correct?</p> <p>6 MR. OETHEIMER: Objection.</p> <p>7 A. Yes.</p> <p>8 MR. OETHEIMER: Goes to foundation. I</p> <p>9 don't know if he did know that.</p> <p>10 MS. SHEETS: Okay.</p> <p>11 Q. You said yes, Mr. Cogliano?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Do you know who those other people were</p> <p>14 who also went and got resident declarations?</p> <p>15 A. No.</p> <p>16 Q. Then you wouldn't have had any discussions with</p> <p>17 them about how they went about getting</p> <p>18 declarations, correct?</p> <p>19 A. No.</p> <p>20 Q. I'm correct?</p> <p>21 A. Yes. You are correct. I wish they got all of</p> <p>22 them.</p> <p>23 Q. Okay. For clarity and convenience, just as I</p> <p>24 said, in my interest in trying to make this</p>

<p style="text-align: right;">22</p> <p>1 process a little bit smoother and quicker here</p> <p>2 today, when I refer to the declarations today,</p> <p>3 I'm only talking the declarations that you</p> <p>4 produced for Wheelabrator. Okay?</p> <p>5 A. Yes.</p> <p>6 Q. At some point here, you understand that there</p> <p>7 were declarations produced by Wheelabrator in</p> <p>8 July?</p> <p>9 A. Yes.</p> <p>10 Q. I'm going to, again for purposes of convenience</p> <p>11 and clarity, I'm going to refer to those as</p> <p>12 initial declarations today. Okay?</p> <p>13 A. Yes.</p> <p>14 Q. Then again, those are just the declarations that</p> <p>15 you had some exchange with. Okay?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. You understand there's a second set of</p> <p>18 declarations that Wheelabrator produced to us in</p> <p>19 August, correct?</p> <p>20 A. Yes.</p> <p>21 Q. For purposes of clarity and convenience here</p> <p>22 today, I'm going to refer to those as</p> <p>23 supplemental declarations. Okay?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">24</p> <p>1 Q. How did you first hear about the case in what</p> <p>2 you believe to be June of 2022?</p> <p>3 A. I spoke to a representative of Wheelabrator.</p> <p>4 They told me what was going on. And I'm not</p> <p>5 sure if it was Jack Walsh or Jim Conley, I'm not</p> <p>6 sure which one it was, Michelle Nato, but one of</p> <p>7 three.</p> <p>8 Q. When you said they told you about the lawsuit,</p> <p>9 do you remember a little bit more about what was</p> <p>10 said?</p> <p>11 A. They asked me if I knew anyone that -- in the</p> <p>12 area that could dispute the claims in the case.</p> <p>13 Q. Okay. That begs my next question.</p> <p>14 Did you have an understanding at that</p> <p>15 time what the case was about?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. What was your understanding at the time</p> <p>18 of what this case was about?</p> <p>19 A. Odors, soot on cars, noise. People having --</p> <p>20 this facility giving them a poor quality of</p> <p>21 life.</p> <p>22 Q. Again, I think you did say this, but just to</p> <p>23 make sure, you don't recall who that</p> <p>24 conversation was with when you first heard about</p>
<p style="text-align: right;">23</p> <p>1 Q. We have a general understanding here. I'm not</p> <p>2 talking about anybody else's declarations that</p> <p>3 were produced in this case, just the ones that</p> <p>4 we believe you had involvement with.</p> <p>5 Understood?</p> <p>6 A. Yes.</p> <p>7 Q. Then we are going to talk about the first batch</p> <p>8 of declarations and reference them as initial</p> <p>9 declarations, okay?</p> <p>10 A. Yes.</p> <p>11 Q. The second set as supplemental declarations,</p> <p>12 understood?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Good. I think that will help hopefully</p> <p>15 make things go a lot easier.</p> <p>16 When was the first time that you learned</p> <p>17 about this lawsuit with Ms. Sweetland against</p> <p>18 Wheelabrator?</p> <p>19 A. I believe June.</p> <p>20 Q. Okay. Of 2022?</p> <p>21 A. Yes.</p> <p>22 Q. So you don't have any idea when it was filed,</p> <p>23 correct?</p> <p>24 A. No.</p>	<p style="text-align: right;">25</p> <p>1 the case?</p> <p>2 A. I'm not sure which one it was.</p> <p>3 Q. Was that conversation the conversation during</p> <p>4 which someone brought up getting resident</p> <p>5 declarations from people?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. You don't remember who that was. But</p> <p>8 what specifically did they indicate they wanted</p> <p>9 you to do?</p> <p>10 A. They wanted me to see if I could find people</p> <p>11 that lived close to the facility that don't have</p> <p>12 any issue with the facility.</p> <p>13 Q. Okay. And then at that moment were you given</p> <p>14 what has been marked as Exhibit 3?</p> <p>15 Again, when I'm talking about Exhibit 3,</p> <p>16 Wheelabrator has stamped that as part of their</p> <p>17 document production to us. I'm assuming a copy</p> <p>18 you would have received at some point does not</p> <p>19 have that stamp. Just for purposes of clarity,</p> <p>20 on that particular occasion, is that when you</p> <p>21 received a copy of Exhibit 3?</p> <p>22 A. I think I received a copy of them in July. But</p> <p>23 -- we had talked about the case previous to</p> <p>24 that.</p>

<p style="text-align: right;">26</p> <p>1 Q. Okay. Okay. Fair enough.</p> <p>2 Before we get into more specifics about</p> <p>3 that, when you first learned about the lawsuit</p> <p>4 and talked about the claims that you were made</p> <p>5 aware of in this case, what were your thoughts</p> <p>6 about the case?</p> <p>7 A. Bogus.</p> <p>8 MR. OETHEIMER: Objection. Vague.</p> <p>9 A. I've lived there my whole life. And outside of</p> <p>10 the '70s, I've never had any problem with</p> <p>11 anything from Wheelabrator.</p> <p>12 In the '70s we used to get soot in my</p> <p>13 pool. They installed scrubbers there in the</p> <p>14 '80s, and I've never had a problem, and I own</p> <p>15 property close by. I own another piece of</p> <p>16 property very close to Wheelabrator, but I've</p> <p>17 never had an issue with it.</p> <p>18 Q. Okay. At that time were you aware that there</p> <p>19 were --</p> <p>20 A. You froze.</p> <p>21 Q. Sorry.</p> <p>22 A. You froze for a minute.</p> <p>23 Q. You froze, too.</p> <p>24 A. Okay.</p>	<p style="text-align: right;">28</p> <p>1 A. Yes.</p> <p>2 Q. Okay. When you say that they had complaints</p> <p>3 about the facility, what sorts of complaints?</p> <p>4 A. They complained about everything. Peter</p> <p>5 Manoogian complains about noise, traffic. You</p> <p>6 know, they -- most people that complain about</p> <p>7 the facility think it's going to go away and</p> <p>8 it's not.</p> <p>9 Q. Okay. You are saying that they think the</p> <p>10 facility is going to go away or the problems</p> <p>11 with the facility?</p> <p>12 A. I think some of them actually believe that</p> <p>13 facility is going away.</p> <p>14 Q. Okay. But prior to that conversation in June</p> <p>15 with Wheelabrator, you were aware that there</p> <p>16 were people who had complaints of odors that</p> <p>17 they attribute to the facility, correct?</p> <p>18 MR. OETHEIMER: Objection.</p> <p>19 A. Yes.</p> <p>20 Q. Same question, but a little bit different, prior</p> <p>21 to that conversation in June of 2022, were you</p> <p>22 aware of people outside -- again, before knowing</p> <p>23 about this lawsuit -- who had complaints where</p> <p>24 they attributed dust on their property that they</p>
<p style="text-align: right;">27</p> <p>1 MR. OETHEIMER: You have to start that</p> <p>2 question from the top.</p> <p>3 Q. We are talking about when you first learned</p> <p>4 about the case, did you believe that that claim</p> <p>5 was only being made by Ms. Sweetland?</p> <p>6 MR. OETHEIMER: Objection.</p> <p>7 A. No.</p> <p>8 MR. OETHEIMER: Foundation.</p> <p>9 A. If it's a class action, I would think that</p> <p>10 there's more than just her.</p> <p>11 Q. Before you had that conversation with whomever</p> <p>12 in June of 2022 with the Wheelabrator</p> <p>13 representative, were you in your capacity as a</p> <p>14 resident of that neighborhood aware that there</p> <p>15 were people who had been complaining about odors</p> <p>16 they attribute to the facility?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Do you know any of the individuals by</p> <p>19 name?</p> <p>20 A. I don't know who made the claims that -- as part</p> <p>21 of the Sweetland case, but I know people that</p> <p>22 complain about the facility.</p> <p>23 Q. Are they people who live in close proximity to</p> <p>24 you?</p>	<p style="text-align: right;">29</p> <p>1 thought was coming from Wheelabrator?</p> <p>2 MR. OETHEIMER: Objection.</p> <p>3 A. Yes.</p> <p>4 Q. Have you ever seen any data sheets produced by</p> <p>5 the plaintiff in this Sweetland case?</p> <p>6 A. No.</p> <p>7 MR. OETHEIMER: I would just say</p> <p>8 objection without defining what they are. But</p> <p>9 you haven't seen them. It kind of moots it.</p> <p>10 Q. Yeah. So when you talked about this</p> <p>11 conversation in June of 2022, your testimony, I</p> <p>12 believe, is at the time you don't think you were</p> <p>13 given the blank declaration, correct?</p> <p>14 A. I got the blank declaration in July. In June</p> <p>15 they asked me if I knew anybody and I made some</p> <p>16 phone calls to people over the next few weeks</p> <p>17 and then in July I got the declaration.</p> <p>18 Q. Okay. You did just break up there little bit.</p> <p>19 And I think actually we are going to be hitting</p> <p>20 on them in the next couple of questions. I</p> <p>21 don't mean to be redundant, but I'm going to</p> <p>22 have to ask you this again.</p> <p>23 Before we get into the specifics of that,</p> <p>24 aside from the declarants and your lawyer, have</p>

<p style="text-align: right;">30</p> <p>1 you talked to anyone about the Sweetland case at</p> <p>2 any point?</p> <p>3 A. I talked to the people that have made the</p> <p>4 declarations.</p> <p>5 Q. Aside from them?</p> <p>6 A. No.</p> <p>7 Q. Okay. Do you know Brenda Sweetland?</p> <p>8 A. No.</p> <p>9 Q. Do you know where she lives?</p> <p>10 A. She lives near the facility.</p> <p>11 Q. Okay. But you don't know specifically where she</p> <p>12 lives?</p> <p>13 A. She lives off of Ballard Street. That's all I</p> <p>14 know. I don't know her address.</p> <p>15 Q. Okay. So you, I think -- when you were fading</p> <p>16 in and out there a little bit, you started to</p> <p>17 talk about how things were rolled out. I want</p> <p>18 to sort of walk you through that process a</p> <p>19 little more slowly.</p> <p>20 If you could take a look at what has been</p> <p>21 marked as Deposition Exhibit 4. This is a</p> <p>22 lengthier document. So while you are looking</p> <p>23 through it, I will identify it for the record</p> <p>24 because I think it might make this a little bit</p>	<p style="text-align: right;">32</p> <p>1 time to look it over.</p> <p>2 A. All set.</p> <p>3 Q. Okay. Great.</p> <p>4 Again, as Richard pointed out, I don't</p> <p>5 think, unless you are a speed reader, you've had</p> <p>6 an opportunity to go through it all, but have</p> <p>7 you ever seen this document before?</p> <p>8 A. No.</p> <p>9 Q. Now, I'm going to ask you about some specifics</p> <p>10 again, really to hopefully streamline this</p> <p>11 process.</p> <p>12 If you can take a look at page 4 and read</p> <p>13 interrogatory 3 and the answer.</p> <p>14 A. Okay. All set.</p> <p>15 Q. All set? Okay.</p> <p>16 So I really want you to take a look at</p> <p>17 the third paragraph and the first paragraph is</p> <p>18 only one sentence, but it's the final paragraph</p> <p>19 in that answer to interrogatory 3 and going on</p> <p>20 to page 4 where it says, in part, "Wheelabrator</p> <p>21 has learned in the course of its investigation</p> <p>22 that Mr. Walsh made the decision to request</p> <p>23 assistance from Anthony Cogliano with outreach</p> <p>24 in Saugus."</p>
<p style="text-align: right;">31</p> <p>1 of timelier.</p> <p>2 I'm going to represent for the record</p> <p>3 that is entitled Wheelabrator Saugus's</p> <p>4 Objections and Responses to Plaintiff Second Set</p> <p>5 of Interrogatories. It is a 20-page document</p> <p>6 that has a two-page addendum to it. So 22 pages</p> <p>7 in total.</p> <p>8 I will tell you that this is a document</p> <p>9 that was produced, obviously, by Wheelabrator to</p> <p>10 us, the plaintiff, in response to our discovery</p> <p>11 requests. Take your time and let me know when</p> <p>12 you have had an opportunity to look through it.</p> <p>13 MR. OETHEIMER: Laura, while he's doing</p> <p>14 that, he's flipping through it, but he's</p> <p>15 obviously not reading it. It would take him a</p> <p>16 while. If there are particular answers you want</p> <p>17 refer him to, then he should have a chance to</p> <p>18 read them, I think.</p> <p>19 MS. SHEETS: Oh, absolutely. I plan on</p> <p>20 doing that. I'm just letting him familiarize</p> <p>21 himself to see if he's seen it. I don't know.</p> <p>22 MR. OETHEIMER: Okay.</p> <p>23 MS. SHEETS: If there's anything</p> <p>24 specifically, sure, I will give him plenty of</p>	<p style="text-align: right;">33</p> <p>1 Did I read that correctly?</p> <p>2 A. You did.</p> <p>3 Q. Do you disagree with that statement?</p> <p>4 A. No.</p> <p>5 Q. So tell me about that. Do you have any</p> <p>6 recollection of approximately when Mr. Walsh</p> <p>7 approached you?</p> <p>8 A. Sometime in June of 2022.</p> <p>9 Q. Okay. Is that the June meeting that we talked</p> <p>10 about where you first learned about the</p> <p>11 Sweetland case?</p> <p>12 A. Yes.</p> <p>13 Q. At that point you said, I think you testified,</p> <p>14 he asked if you knew people who you could talk</p> <p>15 to and you said you made some phone calls,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. Who is Mr. Walsh?</p> <p>19 A. Jack, I believe he's a subcontractor that does</p> <p>20 community outreach for Wheelabrator.</p> <p>21 Q. When saw "outreach," what does that mean?</p> <p>22 MR. OETHEIMER: Objection. But you can</p> <p>23 answer.</p> <p>24 A. He gets involved with the community with town</p>

<p style="text-align: right;">34</p> <p>1 events. He's like their personal connection to 2 the town of Saugus. 3 Q. Okay. Do you know how long he's held that 4 position? 5 MR. OETHEIMER: Objection. 6 A. I don't. 7 Q. Did you know Mr. Walsh only in his capacity as 8 working for Wheelabrator or did you know him 9 personally before this? 10 A. Just from working with Wheelabrator. 11 Q. Okay. Have you met with or talked to Mr. Walsh 12 prior to June of 2022 meeting that you had about 13 this particular case? 14 A. Not about this case. 15 Q. But you had met him before June of 2022, 16 correct? 17 A. Correct. 18 Q. When, about, would you say you first were 19 introduced to Mr. Walsh? 20 A. 2019. 21 Q. How did that come to be? 22 A. I was running for the Board of Selectmen and I 23 met the representatives of Wheelabrator. 24 Q. Do you know if Mr. Walsh is a lawyer?</p>	<p style="text-align: right;">36</p> <p>1 MR. OETHEIMER: Objection. 2 A. Probably because I know quite a few people in 3 Saugus. 4 Q. Okay. When you said that he -- and forgive me, 5 I don't remember your exact verbiage -- he had 6 asked you or harangued you to get declarations, 7 what was it that he said to you at the time? 8 A. Representatives from Wheelabrator would ask me 9 if I spoke to people continuously regarding this 10 matter. I'd say it went on for a month before 11 we did the declarations. 12 Q. Do you remember who else besides Mr. Walsh at 13 Wheelabrator you would talk to? 14 A. Michelle Nato, Jim Conley, and Jack Walsh. 15 Q. Okay. Did you talk to each one of those 16 individuals at some point or another about the 17 declarations, correct? 18 MR. OETHEIMER: Objection. 19 A. Yes. 20 Q. Do you remember how you actually got a physical 21 copy of the declaration, the blank declaration? 22 A. I got it from Jack Walsh. 23 Q. Was that in an email? 24 A. Can you repeat that.</p>
<p style="text-align: right;">35</p> <p>1 A. He's not. To the best of my knowledge, he's 2 not. 3 Q. Okay. So I think earlier you testified, and 4 correct me if I'm wrong, that you weren't sure 5 about the June 2022 meeting where you first were 6 learning about this lawsuit. Now are you having 7 a recollection that was with Mr. Walsh? 8 MR. OETHEIMER: Objection. You are 9 referring to it as a meeting. I don't know if 10 we established it was a meeting or a phone call. 11 Did he testify? Did I miss that? 12 MS. SHEETS: I thought he had said he was 13 meeting in person. 14 Q. Go ahead, Anthony. 15 A. I meet with representatives from Wheelabrator on 16 a constant basis. I'm not sure which one of 17 them discussed the lawsuit first. 18 Q. Okay. But it was, in fact, Mr. Walsh when you 19 were called approaching you about obtaining 20 declarations, correct? 21 A. Mr. Walsh, yeah, he nagged me about the 22 declarations to make sure we got them. So yes. 23 Q. Do you know why he reached out to you in 24 particular?</p>	<p style="text-align: right;">37</p> <p>1 Q. Sorry. Was that in an email? 2 A. No. 3 Q. Did he hand it to you in person? 4 A. He did. 5 Q. What was your understanding at the time that you 6 received it that these would be used for? 7 MR. OETHEIMER: Objection. Foundation. 8 A. They would be used for opposition to the claims 9 that there's a -- that Wheelabrator's causing an 10 issue. 11 Q. Okay. Did you and Mr. Walsh, at the time you 12 received the declaration, go through it and 13 discuss the contents? 14 A. Yes. 15 Q. What specifically do you remember discussing? 16 A. The items listed on, 1 through 6. 17 MR. OETHEIMER: I'm handing back Exhibit 18 3. 19 MS. SHEETS: Sure. 20 A. We discussed items 1 through 6 on the 21 declaration. 22 Q. While you are taking a look at Exhibit 3, can 23 you take a look at the first paragraph under the 24 word Declaration it says, "Pursuant to 28 U.S.C.</p>

<p style="text-align: right;">38</p> <p>1 1746, I declare and say."</p> <p>2 Did I read that correctly?</p> <p>3 A. Yes, you did.</p> <p>4 Q. Okay. Did you and Mr. Walsh discuss what that</p> <p>5 means?</p> <p>6 A. No.</p> <p>7 Q. Okay. At the time you received the declaration,</p> <p>8 do you recall having any idea as to what that</p> <p>9 was referring to, that specific portion?</p> <p>10 A. No.</p> <p>11 Q. Sitting here today, do you know what 28 U.S.C.</p> <p>12 1746 is?</p> <p>13 A. No.</p> <p>14 Q. Take a look at No. 6 here. Again, we are</p> <p>15 looking at Exhibit 3, where it says, "I declare</p> <p>16 under penalty of perjury that the foregoing is</p> <p>17 true and correct."</p> <p>18 Did I read that correctly?</p> <p>19 A. Yes, you did.</p> <p>20 Q. Did you and Mr. Walsh discuss what that</p> <p>21 statement meant before you talked to any of the</p> <p>22 declarants?</p> <p>23 A. No.</p> <p>24 Q. At the time that you went over 1 through 6 with</p>	<p style="text-align: right;">40</p> <p>1 chance to go through that.</p> <p>2 A. All set.</p> <p>3 Q. Great. Really, it's just a portion here. If</p> <p>4 you look down at the second paragraph here, it</p> <p>5 says, "Subject to and without waiving its</p> <p>6 objections, Wheelabrator indicates that there</p> <p>7 were 41 'initial declarations' served by</p> <p>8 Wheelabrator with its supplemental Rule 16</p> <p>9 disclosures on July 12, 2022," correct?</p> <p>10 A. Yes.</p> <p>11 Q. Do you have any reason to dispute that there</p> <p>12 were 41 declarations produced by Wheelabrator on</p> <p>13 July 12th?</p> <p>14 A. No.</p> <p>15 Q. All right. Take a look down in answer No. 4.</p> <p>16 It's the third bullet point down there. We are</p> <p>17 still on page 5, which, in part, says, quote,</p> <p>18 "Anthony Cogliano provided the remaining 22</p> <p>19 Saugus initial declarations, including his own,</p> <p>20 which he signed for himself."</p> <p>21 Did I read that correctly?</p> <p>22 A. You did.</p> <p>23 MR. OETHEIMER: You did except it's the</p> <p>24 fourth bullet point, Laura. You said third.</p>
<p style="text-align: right;">39</p> <p>1 Mr. Walsh, do you recall what your understanding</p> <p>2 of that specific provision was?</p> <p>3 MR. OETHEIMER: Objection.</p> <p>4 A. Yes.</p> <p>5 Q. Tell me what it was.</p> <p>6 A. It means the person who agrees to the</p> <p>7 declaration attests to the facts that it's true</p> <p>8 and correct.</p> <p>9 Q. Okay. I kind of asked you past tense there what</p> <p>10 your understanding was during that particular</p> <p>11 day of the blank declaration. Do you have an</p> <p>12 different understanding what that means today or</p> <p>13 the same?</p> <p>14 A. Same.</p> <p>15 Q. Okay. Let's go back now. You can put Exhibit 3</p> <p>16 away here.</p> <p>17 We are going to go back to Exhibit 4,</p> <p>18 which are the interrogatory answers. This time</p> <p>19 I'm going to direct your attention to page 5 and</p> <p>20 it's -- you have to actually start at page 4 to</p> <p>21 look at the question, the bottom of page 4. I</p> <p>22 would like you to read interrogatory No. 4 and</p> <p>23 then Wheelabrator's response to interrogatory</p> <p>24 No. 4 on page 5. Let me know when you've had a</p>	<p style="text-align: right;">41</p> <p>1 MS. SHEETS: Okay. Thank you.</p> <p>2 Q. I read that correctly. Do you agree with that</p> <p>3 statement?</p> <p>4 A. I do.</p> <p>5 Q. Sitting here today, it's your testimony that you</p> <p>6 provided Wheelabrator with 22 declarations in</p> <p>7 this case prior to July 12th, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Keeping with Exhibit 4, let's take a look at</p> <p>10 page 11, and take a minute to read the question</p> <p>11 and answer at the bottom of page 11 and it goes</p> <p>12 to pages 12, the answer to interrogatory No. 15.</p> <p>13 Let me know you've had a minute.</p> <p>14 A. All set.</p> <p>15 Q. Okay. In this response Wheelabrator states,</p> <p>16 "Wheelabrator states that Anthony Cogliano has</p> <p>17 confirmed that he completed, including by</p> <p>18 signing or entering the names of the declarants,</p> <p>19 the following 20 initial declarations served by</p> <p>20 Wheelabrator in July 12, 2022."</p> <p>21 Did I read that correctly?</p> <p>22 A. You did.</p> <p>23 Q. Then it lists 20 individuals on the next page.</p> <p>24 Correct?</p>

<p style="text-align: right;">42</p> <p>1 A. Yes.</p> <p>2 Q. Do you agree that this response is accurate?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Now, I'm going to show you, and take a</p> <p>5 look at what has been marked Exhibit 5, please.</p> <p>6 Take a couple of minutes.</p> <p>7 While you are looking, I will state for</p> <p>8 the record, I'm going to represent to you these</p> <p>9 are declarations that were produced by</p> <p>10 Wheelabrator to us in connection with this case.</p> <p>11 I believe that there should be 20 there and when</p> <p>12 you are done, I'm going to have you double-check</p> <p>13 it and make sure.</p> <p>14 MR. OETHEIMER: Laura, these are all the,</p> <p>15 quote, 'initial declarations' from June and</p> <p>16 July?</p> <p>17 MS. SHEETS: Correct.</p> <p>18 A. There are 20.</p> <p>19 Q. Okay. Great. I'm sorry. I'm going to make you</p> <p>20 leaf back through there again one more time.</p> <p>21 Because I want to -- Richard already stated</p> <p>22 this, but I want to make sure we are on the same</p> <p>23 page here -- pun intended -- if all of these</p> <p>24 declarations that you have there in Exhibit 5,</p>	<p style="text-align: right;">44</p> <p>1 Did I read that correctly?</p> <p>2 A. Yes, you did.</p> <p>3 Q. Okay. Do you agree that this response is</p> <p>4 accurate?</p> <p>5 A. I do.</p> <p>6 Q. Okay. My question here is going to be a little</p> <p>7 specific. In looking at Exhibit 5 and these</p> <p>8 declarations, am I correct in understanding that</p> <p>9 the information, not the signatures, okay,</p> <p>10 looking at Exhibit 5, is it your testimony here</p> <p>11 today that you filled out the blank parts of the</p> <p>12 declaration contained in Exhibit 5?</p> <p>13 A. Yes, I did.</p> <p>14 Q. Sorry, I couldn't hear you.</p> <p>15 A. Yes, I did.</p> <p>16 Q. Okay. Great. Then a little bit different but</p> <p>17 same vein here, it's your testimony here today</p> <p>18 that you did, in fact, sign each of the</p> <p>19 declarations contained in Exhibit 5, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Did you also date the dates in each of the</p> <p>22 declarations in Exhibit 5?</p> <p>23 A. Yes.</p> <p>24 Q. Keeping going back to Exhibit 4, the</p>
<p style="text-align: right;">43</p> <p>1 those are all dated June and July of 2022,</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Keep that handy, but I'm going to flip</p> <p>5 you back to Exhibit 4, the interrogatory</p> <p>6 answers. I want you to go to page 16 and take a</p> <p>7 minute to read the question and answer to No.</p> <p>8 21.</p> <p>9 MR. OETHEIMER: I'm sorry.</p> <p>10 MR. FAMA: 16.</p> <p>11 MS. SHEETS: Sorry. It should be 16.</p> <p>12 Yes. Page 16, it's interrogatory and answer No.</p> <p>13 21.</p> <p>14 Q. Let me know when you've had a couple of minutes</p> <p>15 to leaf through that.</p> <p>16 A. All set.</p> <p>17 Q. Specifically, I want you to take a look at this</p> <p>18 second paragraph where it states, quote,</p> <p>19 "Wheelabrator states that it has acknowledged</p> <p>20 that Anthony Cogliano signed or entered on the</p> <p>21 initial declarations the names of 20 Saugus</p> <p>22 residents and, accordingly, the signatures of</p> <p>23 those 20 Saugus declarants on the initial</p> <p>24 declarations were not their personal signature."</p>	<p style="text-align: right;">45</p> <p>1 interrogatory answers, I want you to turn</p> <p>2 backwards actually and look at page 6. Take a</p> <p>3 minute to read the question and the answer to</p> <p>4 interrogatory No. 6, please.</p> <p>5 A. Okay.</p> <p>6 Q. In the second paragraph it states in part,</p> <p>7 "Wheelabrator states, based on information and</p> <p>8 belief, with respect to the 22 initial</p> <p>9 declarations provided by Anthony Cogliano, that</p> <p>10 Anthony Cogliano has indicated he spoke by</p> <p>11 telephone with 20 Saugus residents named in the</p> <p>12 initial declarations on or about the dates that</p> <p>13 appear on the initial declarations that</p> <p>14 Wheelabrator served on July 12, 2022."</p> <p>15 Did I read that accurately?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Do you agree that this response is</p> <p>18 accurate?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. When we look back at Exhibit 5 here, is</p> <p>21 it your testimony here today that the date on</p> <p>22 each of these declarations is the date that you</p> <p>23 spoke to the person identified in the</p> <p>24 declaration?</p>

<p style="text-align: right;">46</p> <p>1 A. Yes.</p> <p>2 Q. Okay. For example, let's take a look at what is</p> <p>3 your first one and my first one, Steve Anderson?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Down at the bottom there it's dated</p> <p>6 6/11/2022, correct?</p> <p>7 A. Yes.</p> <p>8 Q. It's your recollection here that would have been</p> <p>9 the date that you actually spoke to</p> <p>10 Mr. Anderson, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Just to get some timing clear here, when you</p> <p>13 spoke to the people, the declarants in Exhibit</p> <p>14 5, did you already at the time you talked to</p> <p>15 them have a copy of, a blank copy, of the</p> <p>16 declaration?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. How did you choose who to call?</p> <p>19 A. I called people that lived near the facility</p> <p>20 that I know personally.</p> <p>21 Q. Okay. Did you call any people who did not fill</p> <p>22 out -- who you did not fill out a declaration</p> <p>23 for?</p> <p>24 A. No.</p>	<p style="text-align: right;">48</p> <p>1 Q. They were all the same?</p> <p>2 A. Yes.</p> <p>3 Q. Tell me what you said.</p> <p>4 A. I asked them if they had any problems with odors</p> <p>5 from Wheelabrator. Ash on their property. Is</p> <p>6 there quality of life hurt by Wheelabrator?</p> <p>7 That's pretty much what the questions ask.</p> <p>8 Q. Okay. Did you fill out a declaration at the</p> <p>9 same time you were on the phone with the</p> <p>10 declarants or was it different for each person?</p> <p>11 MR. OETHEIMER: Objection. You can</p> <p>12 answer.</p> <p>13 A. I believe it was the same time.</p> <p>14 Q. Okay. You believe sitting here today --</p> <p>15 MS. SHEETS: Laura, you froze for a</p> <p>16 minute. I'm not sure Robert got your whole</p> <p>17 question.</p> <p>18 Q. Do you believe sitting here today that you</p> <p>19 filled out each declaration contained in Exhibit</p> <p>20 5 at the time that you spoke to the declarant on</p> <p>21 the phone?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Do you have any recollection of having a</p> <p>24 conversation, maybe with someone while you were</p>
<p style="text-align: right;">47</p> <p>1 Q. Did anyone give you any instruction on who to</p> <p>2 call?</p> <p>3 A. No.</p> <p>4 Q. Okay. Before you decided who you were going to</p> <p>5 call, did you know who was included in the</p> <p>6 plaintiff's proposed class?</p> <p>7 MR. OETHEIMER: Objection.</p> <p>8 A. No.</p> <p>9 Q. Sitting here today, do you have any idea who is</p> <p>10 included in the proposed class?</p> <p>11 MR. OETHEIMER: Objection.</p> <p>12 A. Just the Sweetlands.</p> <p>13 Q. Am I correct in my understanding that the only</p> <p>14 direction you were given with regard to getting</p> <p>15 signatures is just getting in touch with as many</p> <p>16 Saugus people as you could?</p> <p>17 A. Yes.</p> <p>18 Q. Did you prepare a written script or make any</p> <p>19 notes of things that you wanted to sort of kind</p> <p>20 of go through when you made these initial phone</p> <p>21 calls?</p> <p>22 A. No.</p> <p>23 Q. Okay. Was each phone call different?</p> <p>24 A. No.</p>	<p style="text-align: right;">49</p> <p>1 driving or wherever the case may be, where you</p> <p>2 filled out the declaration later?</p> <p>3 A. No.</p> <p>4 Q. Did you take any notes memorializing who you</p> <p>5 talked to?</p> <p>6 A. No.</p> <p>7 Q. Did you take any notes of people who you wanted</p> <p>8 to call and needed to call back at a later date?</p> <p>9 A. No.</p> <p>10 Q. I know you said that you went through some of</p> <p>11 the information contained on the declaration.</p> <p>12 But again, if we need to go individually, we</p> <p>13 certainly can. But I think we can avoid it</p> <p>14 depending on your answer to the global question.</p> <p>15 Do you, sitting here today, have a</p> <p>16 specific recollection of telling each one of</p> <p>17 these 20 people that you were calling to garner</p> <p>18 testimony in a civil lawsuit?</p> <p>19 MR. OETHEIMER: Objection.</p> <p>20 A. No.</p> <p>21 Q. Okay. It's not your testimony, correct?</p> <p>22 A. Correct.</p> <p>23 Q. Did you tell any one of those 20 people that you</p> <p>24 were calling to get testimony for a pending</p>

<p style="text-align: right;">50</p> <p>1 civil litigation?</p> <p>2 A. I probably told a few people that there was a</p> <p>3 pending lawsuit against Wheelabrator and I was</p> <p>4 looking to find out whether or not they have any</p> <p>5 quality-of-life issues at their home</p> <p>6 attributable to Wheelabrator. Which ones I had</p> <p>7 that conversation with, I don't know.</p> <p>8 Q. Okay. But certainly as you sit here today there</p> <p>9 were people who you did not have that</p> <p>10 conversation with, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Again, is it your testimony, sitting here today,</p> <p>13 that you told each one of these people that they</p> <p>14 would be submitting a document that would be put</p> <p>15 to use in a federal court?</p> <p>16 MR. OETHEIMER: Objection.</p> <p>17 A. No, I did not.</p> <p>18 Q. Do you have any specific recollection, again</p> <p>19 right now I'm just talking about initial</p> <p>20 declarations, okay, we will move on later, but</p> <p>21 as it relates to the initial declarations,</p> <p>22 sitting here today, is it your testimony that</p> <p>23 you informed each one of these 20 people that</p> <p>24 they were signing a document under the penalty</p>	<p style="text-align: right;">52</p> <p>1 declarants, that they had the right to contact</p> <p>2 attorneys at Liddle Sheets Coulson and ask</p> <p>3 questions about the lawsuit?</p> <p>4 A. No.</p> <p>5 Q. Again, I think you talked about this, but your</p> <p>6 answer is no, you did not convey that to any one</p> <p>7 of 20 declarants, correct?</p> <p>8 A. Say that again.</p> <p>9 Q. I just want to make sure because we are covering</p> <p>10 in broad strokes here 20 different declarations,</p> <p>11 but it was your testimony you did not inform any</p> <p>12 one of those 20 people that they had the right</p> <p>13 to contact lawyers at Liddle Sheets Coulson,</p> <p>14 correct?</p> <p>15 MR. OETHEIMER: Objection. We are still</p> <p>16 on the initial declarations, right, Laura?</p> <p>17 MS. SHEETS: Correct.</p> <p>18 Q. You understood that, Anthony, too, right? If</p> <p>19 you have any concern you are not sure what I'm</p> <p>20 talking about, ask me. Okay?</p> <p>21 A. Yes.</p> <p>22 Q. We are on the initial declarations right now.</p> <p>23 Sitting here today, is it your testimony</p> <p>24 that, again, as to these initial declarations in</p>
<p style="text-align: right;">51</p> <p>1 of perjury?</p> <p>2 A. I didn't say that to any of them.</p> <p>3 Q. I think this is similar to maybe the first</p> <p>4 question I asked you, but just to clarify,</p> <p>5 sitting here today do you have a specific</p> <p>6 recollection of telling each one of these people</p> <p>7 that this was a document that was going to be</p> <p>8 used in a class action lawsuit?</p> <p>9 A. No.</p> <p>10 Q. But you do have a specific recollection that you</p> <p>11 asked each and every person if they experienced</p> <p>12 odors at their property?</p> <p>13 A. Yes.</p> <p>14 Q. Similarly, do you have a specific recollection</p> <p>15 of asking each one of those 20 individuals if</p> <p>16 they experienced dust they attributed to</p> <p>17 Wheelabrator at their home?</p> <p>18 A. Yes.</p> <p>19 Q. Sitting here today, did you tell each one of</p> <p>20 those declarants who you talked to, that signing</p> <p>21 the document may impact their legal rights?</p> <p>22 A. No.</p> <p>23 Q. Did you tell each and every person who you</p> <p>24 talked to on the phone, the 20 original</p>	<p style="text-align: right;">53</p> <p>1 Exhibit 5, that each one of these 20 people</p> <p>2 authorized you to sign their names to this</p> <p>3 declaration?</p> <p>4 MR. OETHEIMER: Objection.</p> <p>5 A. Yes.</p> <p>6 Q. You had permission from each person, each one of</p> <p>7 these 20 people, to sign their name to these</p> <p>8 declarations, correct?</p> <p>9 A. Yes.</p> <p>10 Q. When you had all of these initial declarations</p> <p>11 completed, who did you turn them over to?</p> <p>12 A. Jack Walsh.</p> <p>13 Q. Okay. How did you do that, in person?</p> <p>14 A. Yes.</p> <p>15 Q. Did you tell Mr. Walsh at the time that you gave</p> <p>16 them to him that you had signed the</p> <p>17 declarations?</p> <p>18 A. Yes.</p> <p>19 Q. Do you remember when that was?</p> <p>20 A. No.</p> <p>21 Q. But it would have been before July 12th,</p> <p>22 correct?</p> <p>23 MR. OETHEIMER: Objection.</p> <p>24 A. No, there's one signed July 2nd. Did you say</p>

<p style="text-align: right;">54</p> <p>1 July 12th or June 12th?</p> <p>2 Q. July 12th.</p> <p>3 A. July, yes.</p> <p>4 Q. We can look back at Exhibit 4. Looking at</p> <p>5 interrogatory No. 6, we are talking about the</p> <p>6 initial declarations, the second paragraph there</p> <p>7 at the bottom it says, "The initial declarations</p> <p>8 that Wheelabrator served on July 12th, 2022."</p> <p>9 So these declarations contained in</p> <p>10 Exhibit 5 would have been provided to us on July</p> <p>11 12th. Understood?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. My question to you was, obviously if we</p> <p>14 got them on July 12th, that you had given them</p> <p>15 to Jack Walsh prior to July 12th, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Do you have any recollection as to when you did</p> <p>18 that, the date?</p> <p>19 A. No.</p> <p>20 Q. But at that time, you told Mr. Walsh that you</p> <p>21 had signed the declaration, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Did you tell anyone else at Wheelabrator that</p> <p>24 you had signed the declaration?</p>	<p style="text-align: right;">56</p> <p>1 A. I think it was Jack.</p> <p>2 Q. What did Jack have to say?</p> <p>3 A. That we had to get the signatures of everybody,</p> <p>4 their own signature, on the documents.</p> <p>5 Q. Okay. Did he say why?</p> <p>6 A. Because they had to sign.</p> <p>7 Q. Okay. Was that the first time that you</p> <p>8 developed an understanding in your mind that</p> <p>9 these people needed to sign them personally?</p> <p>10 A. Yes.</p> <p>11 Q. What else did Jack have to say? Did he indicate</p> <p>12 how you were to go about obtaining these</p> <p>13 people's signatures?</p> <p>14 A. He drove me house to house.</p> <p>15 Q. We are obviously going to dive into the</p> <p>16 supplemental declarations next. You've been</p> <p>17 very consistent here. It looks like you are</p> <p>18 doing your job.</p> <p>19 But I prefer to take just a quick break</p> <p>20 here. If you don't mind, let's take ten or 15</p> <p>21 minutes to stretch and we'll come back and then</p> <p>22 we'll tackle the supplemental ones and I won't</p> <p>23 be very long.</p> <p>24 A. Fine.</p>
<p style="text-align: right;">55</p> <p>1 A. I told -- yeah, I told several people that I</p> <p>2 did.</p> <p>3 Q. Such as?</p> <p>4 A. Their attorneys.</p> <p>5 Q. You are indicating Mr. Oetheimer?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Anyone else?</p> <p>8 A. I'm not sure if I spoke with Michael O'Friel or</p> <p>9 not. I spoke to another attorney.</p> <p>10 Q. Did you tell anyone else, aside from the people</p> <p>11 you identified, that you personally signed the</p> <p>12 declarations?</p> <p>13 A. I don't believe so.</p> <p>14 Q. After you turned over the initial declarations</p> <p>15 and you told Mr. Walsh, amongst others, that you</p> <p>16 had personally signed the declarations, when was</p> <p>17 the next time that anyone contacted you about</p> <p>18 the declarations?</p> <p>19 MR. OETHEIMER: Objection.</p> <p>20 A. I'm not sure of the date.</p> <p>21 Q. Do you have a ballpark, August maybe?</p> <p>22 A. Sometime in August.</p> <p>23 Q. Okay. Do you remember who would have contacted</p> <p>24 you?</p>	<p style="text-align: right;">57</p> <p>1 (Recess taken.)</p> <p>2 Q. (By Ms. Sheets) Anthony, you have everything in</p> <p>3 front of you still?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Perfect. We are back on record, Anthony.</p> <p>6 A. Yes.</p> <p>7 Q. I'll let you get situated. There is a lot of</p> <p>8 people.</p> <p>9 MR. FAMA: I wanted to make sure he had</p> <p>10 the same two exhibits in front of him. That's</p> <p>11 all.</p> <p>12 MS. SHEETS: Okay. Sure.</p> <p>13 Q. I think I touched on this. I want to make sure</p> <p>14 I ask it a little more directly.</p> <p>15 When were you first informed that you</p> <p>16 would need to go and get supplemental</p> <p>17 declarations; do you know?</p> <p>18 A. The date, no.</p> <p>19 Q. Do you have any recollection of it being in July</p> <p>20 or August?</p> <p>21 A. No.</p> <p>22 Q. Again, it was Jack who informed you that you</p> <p>23 would need to go out and get supplemental</p> <p>24 declarations?</p>

<p style="text-align: right;">58</p> <p>1 A. Yes.</p> <p>2 Q. Was it Jack who said he needed to drive you</p> <p>3 house to house?</p> <p>4 A. Yes.</p> <p>5 Q. Did he indicate why?</p> <p>6 A. They wanted to make sure I got the signatures</p> <p>7 from the people that agreed to sign them.</p> <p>8 Q. Okay. Go back to Exhibit 4 that we've been</p> <p>9 looking at here today. Take a look at page 6.</p> <p>10 A. Yeah.</p> <p>11 Q. Take a minute to look at it. Again, we probably</p> <p>12 looked at it earlier. It's the question and</p> <p>13 answer to interrogatory No. 6.</p> <p>14 A. Okay.</p> <p>15 Q. The fourth paragraph down states that, quote,</p> <p>16 "With respect to the 19 supplemental</p> <p>17 declarations from Saugus residents served by</p> <p>18 Wheelabrator on August 30, 2022, all 19 are</p> <p>19 dated the same date the declarants were</p> <p>20 approached to sign by Anthony Cogliano."</p> <p>21 Did I read that correctly?</p> <p>22 A. You did.</p> <p>23 Q. Do you agree that this response is accurate?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">60</p> <p>1 Off the record here, Robert.</p> <p>2 (Discussion off the record.)</p> <p>3 Q. (By Ms. Sheets) You took a look at Exhibit 6,</p> <p>4 which, for the record, as Richard noted, is</p> <p>5 actually 19 supplemental declarations that were</p> <p>6 produced to us by Wheelabrator on August 30th,</p> <p>7 2022.</p> <p>8 Have you seen those documents before?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. You are in agreement here with me when we</p> <p>11 go forward and we are talking about supplemental</p> <p>12 declarations, that we are talking about the</p> <p>13 declarations contained in Exhibit 6, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. You agree with me then that the answer</p> <p>16 that Wheelabrator gave that the dates on these</p> <p>17 would have been the dates that you went and</p> <p>18 obtained the signature from these people,</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. I'm jumping around a little bit, but whose</p> <p>22 decision was it that Mr. Walsh was going to</p> <p>23 accompany you to obtain signatures?</p> <p>24 A. I don't know.</p>
<p style="text-align: right;">59</p> <p>1 Q. It goes on to say, quote, "Jack Walsh drove</p> <p>2 Anthony Cogliano from house to house and from</p> <p>3 his car he was able to observe most, but not</p> <p>4 all, of the declarants physically sign the</p> <p>5 supplemental declarations."</p> <p>6 Did I read that correctly?</p> <p>7 A. You did.</p> <p>8 Q. Do you agree that this response is accurate?</p> <p>9 A. Yes.</p> <p>10 Q. Now, let's take a look at what has been marked</p> <p>11 as Exhibit 6. While I'm getting that and you</p> <p>12 are taking a look at that, I'm going to</p> <p>13 represent to you that these are 20 supplemental</p> <p>14 declarations referenced in the answer we just</p> <p>15 looked at and produced to us by Wheelabrator in</p> <p>16 connection with this case.</p> <p>17 When you have had a few minutes, let me</p> <p>18 know.</p> <p>19 MR. OETHEIMER: Should be 19, you said 20</p> <p>20 Laura?</p> <p>21 MS. SHEETS: Right, I did say 20.</p> <p>22 MR. OETHEIMER: But I'm correct, it's 19?</p> <p>23 MS. SHEETS: You are correct. I think</p> <p>24 there is a little bit --</p>	<p style="text-align: right;">61</p> <p>1 Q. He didn't tell you anybody had talked to him</p> <p>2 about it?</p> <p>3 A. I would imagine it was either their counsel or</p> <p>4 someone else at Wheelabrator.</p> <p>5 MR. OETHEIMER: Move to strike.</p> <p>6 MS. SHEETS: Pardon me.</p> <p>7 MR. OETHEIMER: I will move to strike.</p> <p>8 Obviously, he said he doesn't know and then he</p> <p>9 volunteered speculation.</p> <p>10 Q. (By Ms. Sheets) This response says that,</p> <p>11 "Mr. Walsh observed most, but not all of the</p> <p>12 declarants physically signing the supplemental</p> <p>13 declarations," correct?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know which declarations Mr. Walsh did not</p> <p>16 observe being physically signed?</p> <p>17 A. No.</p> <p>18 Q. Did Mr. Walsh talk to any of these people?</p> <p>19 A. No.</p> <p>20 Q. Do you know why not?</p> <p>21 A. What's that?</p> <p>22 MR. OETHEIMER: Objection.</p> <p>23 Q. Do you know why he did not talk to any of these</p> <p>24 people?</p>

<p style="text-align: right;">62</p> <p>1 MR. OETHEIMER: Objection.</p> <p>2 A. I thought it was odd to take a chaperone with me</p> <p>3 to get their signature. He took me to the</p> <p>4 house. I didn't want to -- I didn't bring him</p> <p>5 in with me. I walked in some places. Some</p> <p>6 people came out to the car to sign. Some people</p> <p>7 I walked in, they signed it, and brought it back</p> <p>8 out. But I'm not sure which ones are which.</p> <p>9 Q. I think you are talking about which ones he may</p> <p>10 have seen. But do you have any specific</p> <p>11 recollection of him actually talking to any of</p> <p>12 the declarants?</p> <p>13 A. He did talk to a couple people that came out to</p> <p>14 the car. He did speak to a few. Which ones, I</p> <p>15 have no idea.</p> <p>16 Q. Okay. Now you know what my next question was.</p> <p>17 You are anticipating that.</p> <p>18 Okay. My assessment of these</p> <p>19 declarations contained in Exhibit 6 show that</p> <p>20 they were all signed August 22 or August 23rd,</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. There is one in there that's kind of a little</p> <p>24 bit illegible. I don't know. Do you still</p>	<p style="text-align: right;">64</p> <p>1 Q. All of them. Okay. Did you call each one of</p> <p>2 them before showing up at their home?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. What generally did you say?</p> <p>5 A. I said I need to get your signature on the --</p> <p>6 the declarations that I got your permission on</p> <p>7 the first time, I need your signature on them.</p> <p>8 Q. Okay. Sitting here today, is it your testimony</p> <p>9 that you told each of those people that you had</p> <p>10 already submitted an initial declaration that</p> <p>11 you signed on their behalf?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. When you called these people, I just want</p> <p>14 to make it clear for the record that we are</p> <p>15 talking here 19 people, when you called these 19</p> <p>16 people to go personally obtain their signatures,</p> <p>17 you informed each one of those people that this</p> <p>18 was to get their personal signature because you</p> <p>19 had already submitted a declaration on their</p> <p>20 behalf that you signed for them; is that</p> <p>21 correct?</p> <p>22 MR. OETHEIMER: Objection.</p> <p>23 A. Yes.</p> <p>24 Q. Do you remember what day you started driving</p>
<p style="text-align: right;">63</p> <p>1 think that's the 23rd or not? You want to take</p> <p>2 a look?</p> <p>3 MR. OETHEIMER: Which one are you</p> <p>4 referring us to?</p> <p>5 MS. SHEETS: I don't know. I'm just</p> <p>6 asking him if he thinks that's accurate, they</p> <p>7 were all signed on 8/22 or 8/23?</p> <p>8 MR. OETHEIMER: You want me to answer?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Based on your review of those documents,</p> <p>11 Anthony, do you agree with me that they are all</p> <p>12 dated 8/22 or 8/23?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. I'm going to ask you to go back through</p> <p>15 them again, but would you agree with me that 18</p> <p>16 of declarations are dated 8/22.</p> <p>17 A. I think 17 are dated 8/22.</p> <p>18 Q. Okay. I'm sorry, you said 8/22, not April?</p> <p>19 A. 8/22.</p> <p>20 Q. Okay. You hinted to this a little bit. Did you</p> <p>21 contact any of these people before showing up in</p> <p>22 person to obtain their signatures on these</p> <p>23 supplemental declarations?</p> <p>24 A. Yes. All of them.</p>	<p style="text-align: right;">65</p> <p>1 around with Jack to obtain personal signatures?</p> <p>2 Would it have been 8/22 given most of them are</p> <p>3 dated that date?</p> <p>4 A. Sounds correct.</p> <p>5 Q. Do you remember what time of day you started?</p> <p>6 A. No.</p> <p>7 Q. Do you remember what time of day you finished?</p> <p>8 A. No.</p> <p>9 Q. Is it fair to say here, based on what we are</p> <p>10 looking at though, that you got 17 people to</p> <p>11 sign on one day, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. About how much time would you think you</p> <p>14 spent with each individual getting their</p> <p>15 signature?</p> <p>16 A. A minute.</p> <p>17 Q. Okay. Fair to say, then, you didn't go through</p> <p>18 each statement in the declaration with each</p> <p>19 person before taking their signature, correct?</p> <p>20 MR. OETHEIMER: Objection.</p> <p>21 A. No, I did not.</p> <p>22 Q. Okay. Is it fair to say that -- I know we</p> <p>23 talked about it -- that you had not said this</p> <p>24 during the initial phone conversation to get</p>

<p style="text-align: right;">66</p> <p>1 their initial declaration. Is it also fair to</p> <p>2 say that during that minute meeting with these</p> <p>3 19 individuals, that you did not discuss with</p> <p>4 them that signing could affect their rights in</p> <p>5 pending litigation, correct?</p> <p>6 MR. OETHEIMER: Objection.</p> <p>7 A. Correct.</p> <p>8 Q. Did you discuss with any of those 19 individuals</p> <p>9 at the time that they could confer with Liddle</p> <p>10 Sheets Coulson about their rights before</p> <p>11 signing?</p> <p>12 A. No, not one of them.</p> <p>13 Q. If you take a look the supplemental declarations</p> <p>14 in Exhibit 6, and we talked about this with the</p> <p>15 initial ones and I want to make sure we are</p> <p>16 being clear here, did you show up to see these</p> <p>17 people -- maybe it's different, you can tell me</p> <p>18 if it was different for different people -- but</p> <p>19 did you show up with the declaration filled out</p> <p>20 by you and you just obtained their signatures,</p> <p>21 or did you show up with blank declarations for</p> <p>22 them to fill out?</p> <p>23 A. I showed up just asking them for their</p> <p>24 signature.</p>	<p style="text-align: right;">68</p> <p>1 Q. Okay. Do you have any recollection of</p> <p>2 specifically getting Stephanie Fernandez's</p> <p>3 signature originally?</p> <p>4 A. Originally?</p> <p>5 Q. Correct.</p> <p>6 First let me back up and ask you. Who is</p> <p>7 Ms. Fernandez? How do you know her?</p> <p>8 A. She's my brother's girlfriend.</p> <p>9 Q. Where, approximately, does she live in relation</p> <p>10 to this facility?</p> <p>11 A. A mile.</p> <p>12 Q. Okay.</p> <p>13 MR. FAMA: It's not in Exhibit 5.</p> <p>14 MS. SHEETS: Okay. Understood.</p> <p>15 Q. But sitting here today, do you, Anthony, do you</p> <p>16 recall getting a declaration from Ms. Fernandez?</p> <p>17 A. Do I recall? Yes, I do.</p> <p>18 Q. Okay. Was she one of the people who you called</p> <p>19 up and got information over the phone and then</p> <p>20 you filled out a declaration for?</p> <p>21 A. I don't see it in there, so I can't comment if</p> <p>22 that's her signature or not.</p> <p>23 Q. Okay. Sitting here today, do you have a</p> <p>24 specific recollection of getting Ms. Fernandez</p>
<p style="text-align: right;">67</p> <p>1 Q. Okay. So if we are looking again, I believe</p> <p>2 Mr. Anderson is the first person here, his</p> <p>3 declaration is Exhibit 6, you would have filled</p> <p>4 out section 1, No. 1? You would have filled out</p> <p>5 No. 1, correct?</p> <p>6 A. Correct.</p> <p>7 Q. That's the case for each one of these 19</p> <p>8 declarations, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Do you have any recollection, would you have</p> <p>11 already filled out the date for the declaration,</p> <p>12 as well?</p> <p>13 A. Yes.</p> <p>14 MR. OETHEIMER: Objection.</p> <p>15 Q. Sorry. Yes?</p> <p>16 A. Yes.</p> <p>17 Q. The list of the individuals in Exhibit 4 is a</p> <p>18 little bit different than the list of</p> <p>19 supplemental declarations that were provided. I</p> <p>20 know there's differences because you were one of</p> <p>21 the initial declarants and obviously you signed</p> <p>22 your own declaration. So you didn't need to</p> <p>23 supplement that, correct?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">69</p> <p>1 to sign the declaration?</p> <p>2 A. It's her signature on there, yes.</p> <p>3 Q. Okay. Where exactly are you looking at? Are</p> <p>4 you on Exhibit 6?</p> <p>5 A. Yes.</p> <p>6 Q. Or Exhibit 5?</p> <p>7 A. 6.</p> <p>8 Q. You are looking at Exhibit 6?</p> <p>9 A. I am.</p> <p>10 MR. OETHEIMER: So you are missing her</p> <p>11 first declaration?</p> <p>12 MS. SHEETS: Correct.</p> <p>13 MR. OETHEIMER: I mean, I have a copy of</p> <p>14 your motion here.</p> <p>15 MS. SHEETS: No, it's okay. I will find</p> <p>16 it during the break, Richard. There was, like I</p> <p>17 said, there was some overlap. For example, and</p> <p>18 I will move on here and I will come back to it</p> <p>19 after we take a break.</p> <p>20 Q. You did not get a supplemental declaration from</p> <p>21 John Russo.</p> <p>22 A. Correct.</p> <p>23 Q. Why not?</p> <p>24 A. Because he said that he worked at the facility</p>

<p style="text-align: right;">70</p> <p>1 and after thinking about it, he would rather</p> <p>2 stay out of it.</p> <p>3 Q. Okay. Is he currently working at the facility</p> <p>4 or used to?</p> <p>5 A. Used to.</p> <p>6 Q. Have you spoken with any of declarants contained</p> <p>7 in Exhibit 6 since obtaining their signatures in</p> <p>8 August?</p> <p>9 A. No. Yeah, I did. Yes. I spoke to the people</p> <p>10 that were deposed, Craig Serino, John Cooper,</p> <p>11 and I think that's it.</p> <p>12 Q. Okay. Are you currently employed?</p> <p>13 A. I am.</p> <p>14 Q. Tell me what it is that you do.</p> <p>15 A. I own a construction business and I have a real</p> <p>16 estate license.</p> <p>17 Q. You are also on the Board of Selectmen, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Tell me what that means. We don't use that same</p> <p>20 verbiage here in Michigan.</p> <p>21 A. Tell you what that means?</p> <p>22 Q. Correct. To be on the Board of Selectmen.</p> <p>23 A. I ran for office in 2019. I was a selectman</p> <p>24 from 1991 to 2003. Then I took a 16-year break</p>	<p style="text-align: right;">72</p> <p>1 A. I started the committee to work with</p> <p>2 Wheelabrator, frustrated that we have lawsuit</p> <p>3 after lawsuit with the town, lose every single</p> <p>4 one of them, and my thought was that we should</p> <p>5 actually work with them and benefit from the</p> <p>6 company being in Saugus rather than wasting</p> <p>7 hundreds of thousand dollars on litigation and</p> <p>8 losing.</p> <p>9 Q. You said or basically referenced a lot of</p> <p>10 litigation. Specifically, what litigation are</p> <p>11 you referring to?</p> <p>12 A. Landfill closure, problems with the plant.</p> <p>13 Q. Were these cases, again that you are</p> <p>14 specifically referencing, where the town of</p> <p>15 Saugus was actually suing Wheelabrator?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know when or the last case that you are</p> <p>18 talking about would have been filed?</p> <p>19 A. There was a case last year. I don't know the</p> <p>20 date. Last year.</p> <p>21 Q. Okay. Understood. It's your belief that the</p> <p>22 town lost that case?</p> <p>23 A. I believe the town has lost every one of them.</p> <p>24 So I would imagine we lost that one, too.</p>
<p style="text-align: right;">71</p> <p>1 and ran again in 2019 and got reelected and have</p> <p>2 been the chairman of the board since 2019.</p> <p>3 Q. Is it a paid position?</p> <p>4 A. Yes. I think I make ten cents an hour. I make</p> <p>5 \$5,000 a year.</p> <p>6 Q. Okay. Understood.</p> <p>7 In your present position, tell me what</p> <p>8 your duties are.</p> <p>9 A. We are the policymakers for the town of Saugus.</p> <p>10 We grant licenses. We appoint the town manager.</p> <p>11 Q. Are you going to put yourself up for reelection</p> <p>12 again?</p> <p>13 A. Yes.</p> <p>14 Q. When is that?</p> <p>15 A. November of 2023.</p> <p>16 Q. Okay. You are also the co-chair of the</p> <p>17 Wheelabrator subcommittee, correct?</p> <p>18 A. Yes.</p> <p>19 Q. You were made co-chair by order of a vote,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. Tell me when the subcommittee was formed.</p> <p>23 A. It was formed in 2020.</p> <p>24 Q. Why?</p>	<p style="text-align: right;">73</p> <p>1 Q. But you don't know, sitting here today</p> <p>2 specifically, why that happened?</p> <p>3 A. No.</p> <p>4 Q. Do you know if any one of those lawsuits that</p> <p>5 you are referencing involved any claim of</p> <p>6 Wheelabrator emanating odors into the</p> <p>7 neighborhoods?</p> <p>8 A. I'm not sure specifically what the cases</p> <p>9 involved.</p> <p>10 Q. So if I asked you the same thing about dust, you</p> <p>11 wouldn't know, correct?</p> <p>12 A. Correct.</p> <p>13 Q. Take a look what has been marked as Exhibit 7,</p> <p>14 please. While you are looking at it, I will</p> <p>15 represent that is a newspaper article from</p> <p>16 Wickedlocal.com entitled Wheelabrator</p> <p>17 Subcommittee Gets Down to Business and it's</p> <p>18 dated November 23, 2020.</p> <p>19 A. All set.</p> <p>20 Q. It is correct when I identified the article is</p> <p>21 dated November 23, 2020, correct?</p> <p>22 A. Yes.</p> <p>23 Q. In the third paragraph here of this article, it</p> <p>24 says here, "As part of that process,</p>

<p style="text-align: right;">74</p> <p>1 Wheelabrator" --</p> <p>2 A. Could I stop you for second? The article that I</p> <p>3 have here says, "Published November 15, 2021."</p> <p>4 Q. You are right. You are right. Thank you for</p> <p>5 correcting that. Okay.</p> <p>6 If you look down at the third paragraph</p> <p>7 it says, "As part of that process, Wheelabrator</p> <p>8 subcommittee members have raised the possibility</p> <p>9 of developing a host community agreement between</p> <p>10 the town and trash-to-energy company."</p> <p>11 Did I read that correctly?</p> <p>12 A. You did.</p> <p>13 Q. Okay. Tell me what this article means when it's</p> <p>14 talking about a potential host agreement.</p> <p>15 A. A host agreement would allow Wheelabrator to</p> <p>16 continue to dump ash at the landfill in exchange</p> <p>17 for a monetary figure presented to the town of</p> <p>18 Saugus.</p> <p>19 Q. So is it fair to say then with the host</p> <p>20 agreement, the town of Saugus would benefit</p> <p>21 financially from entering into that agreement</p> <p>22 with Wheelabrator, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Are you generally in favor of that host</p>	<p style="text-align: right;">76</p> <p>1 from the company regarding a contingency clause</p> <p>2 they sought to re-insert to the agreement."</p> <p>3 Did I read that correctly?</p> <p>4 A. You did.</p> <p>5 Q. Just for purposes of clarity for the record</p> <p>6 here, that paragraph there mentions WIN Waste</p> <p>7 Innovations, and you agree with me that's one</p> <p>8 and the same as what we were talking about with</p> <p>9 Wheelabrator, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Did you not vote?</p> <p>12 A. We voted to table it five to nothing pending</p> <p>13 more information.</p> <p>14 Q. Okay. What information specifically are you</p> <p>15 waiting for?</p> <p>16 A. They did an extremely horrible job presenting to</p> <p>17 the board what the new deal would be, and we</p> <p>18 asked them to go back to the table and give us</p> <p>19 some facts and figures before making a decision.</p> <p>20 Q. Okay. Can you be a little bit more specific for</p> <p>21 me in terms of what exactly you would like to</p> <p>22 see the next time around.</p> <p>23 A. I think we are all expecting to see about a</p> <p>24 million dollars a year plus.</p>
<p style="text-align: right;">75</p> <p>1 agreement?</p> <p>2 A. What's that?</p> <p>3 Q. Are you generally in favor of a host agreement?</p> <p>4 A. Absolutely.</p> <p>5 Q. Take a look at what's been marked as Exhibit 8.</p> <p>6 When you have a few minutes, let me know when</p> <p>7 you've had a chance to look through.</p> <p>8 A. All set.</p> <p>9 Q. Have you seen this article before?</p> <p>10 A. I have.</p> <p>11 Q. Just for the record, that is a news article that</p> <p>12 was retrieved off of Itemlive.com. And it's</p> <p>13 entitled Saugus Selectmen Opt Not to Vote on the</p> <p>14 Revised WIN agreement by Charlie McKenna dated</p> <p>15 January 17, 2023, correct?</p> <p>16 A. Yes.</p> <p>17 Q. If you look, according to the article in here,</p> <p>18 the very first paragraph says, "The Board of</p> <p>19 Selectmen on Tuesday evening opted not to vote</p> <p>20 on a revised host community agreement with WIN</p> <p>21 Waste Innovations that allows the company to</p> <p>22 continue operating its ash landfill in exchange</p> <p>23 for offering the town free tipping and a lump-</p> <p>24 sum payment of \$1 million pending more details</p>	<p style="text-align: right;">77</p> <p>1 Q. If, in fact, you agree to the host agreement,</p> <p>2 correct?</p> <p>3 A. I definitely agree to the host agreement.</p> <p>4 Q. Okay. But if it goes through, if it passes,</p> <p>5 what your expectation is is that it's a million</p> <p>6 dollar plus every year, correct?</p> <p>7 A. I believe the second go-round will be much</p> <p>8 better than the first one that they got the</p> <p>9 three votes on. So I don't think there's going</p> <p>10 to be a problem passing it. I just think they</p> <p>11 did a poor job explaining the new deal.</p> <p>12 Q. Okay. Understood.</p> <p>13 Do you have any idea when the</p> <p>14 subcommittee will meet to vote again?</p> <p>15 A. This is before the Board of Selectmen. Now, the</p> <p>16 subcommittee won't be meeting again until this</p> <p>17 is approved and then we will start working on</p> <p>18 other issues.</p> <p>19 Q. Okay. Do you have any expectation of when that</p> <p>20 will be?</p> <p>21 A. I'm hoping January 31st.</p> <p>22 Q. Okay. I'm going to jump around a little bit</p> <p>23 here. Go back to Exhibit 5, which I believe</p> <p>24 here, I might be wrong, are the initial</p>

<p style="text-align: right;">78</p> <p>1 declarations.</p> <p>2 Take a look in there, one of the</p> <p>3 declarations was filled out by Sara Cogliano.</p> <p>4 You want to find that one specifically.</p> <p>5 A. Yes.</p> <p>6 Q. Are you related to Ms. Cogliano?</p> <p>7 A. Yes, I'm her nephew.</p> <p>8 Q. You are her nephew?</p> <p>9 A. Yes.</p> <p>10 Q. You were breaking up there a little bit.</p> <p>11 You had a conversation with your aunt on</p> <p>12 the phone and had her permission to sign her</p> <p>13 name to the initial declaration before you</p> <p>14 signed on her behalf, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Then do you understand that back during the</p> <p>17 summer here, we sought to take her deposition?</p> <p>18 Did you understand that?</p> <p>19 A. Yes.</p> <p>20 Q. We were made aware of the fact that she had a</p> <p>21 medical issue, and I'm sorry to hear that. I</p> <p>22 hope she is well.</p> <p>23 Sitting here today, do you have power of</p> <p>24 attorney for Sara Cogliano?</p>	<p style="text-align: right;">80</p> <p>1 actually signed that supplemental declaration?</p> <p>2 A. Absolutely.</p> <p>3 Q. Okay. Understood. Why don't we take a few</p> <p>4 minutes. Let me go over my questions. I'm</p> <p>5 pretty much wrapping up here. Let me look at my</p> <p>6 notes. We will come back and hopefully get you</p> <p>7 out of here.</p> <p>8 A. Okay.</p> <p>9 (Recess taken.)</p> <p>10 MS. SHEETS: Anthony, I don't have any</p> <p>11 further questions today. I don't know if the</p> <p>12 other two gentlemen sitting there might have</p> <p>13 some for you, which would mean I get to come</p> <p>14 back and talk to you again. But we'll see what</p> <p>15 they have to say.</p> <p>16 Thank you.</p> <p>17 MR. OETHEIMER: Okay. All right.</p> <p>18 Anthony, I do have some questions.</p> <p>19</p> <p>20 Examination by Mr. Oetheimer:</p> <p>21 Q. I think I want to sort of clarify some of the</p> <p>22 timeline a little bit. I understand you are</p> <p>23 sort of being asked to sort of recall things,</p> <p>24 you know, three to six months ago and doing it</p>
<p style="text-align: right;">79</p> <p>1 A. I do.</p> <p>2 Q. Now I can hear you, but it sounds like you are</p> <p>3 yelling down a tunnel. Tell me again, please.</p> <p>4 Shift around a little bit. Do you have a mike</p> <p>5 on?</p> <p>6 A. I am the power of attorney for Sara Cogliano.</p> <p>7 Q. Okay. Were you the power of attorney for Sara</p> <p>8 Cogliano when you signed her initial</p> <p>9 declaration?</p> <p>10 A. I was.</p> <p>11 Q. Did you produce a supplemental affidavit or</p> <p>12 declaration for Ms. Cogliano as part of the</p> <p>13 August supplemental disclosures?</p> <p>14 MR. OETHEIMER: Can I hand him Exhibit 6?</p> <p>15 MS. SHEETS: Correct.</p> <p>16 A. Yes, I did.</p> <p>17 Q. If you had power of attorney for her, why did</p> <p>18 you produce a second affidavit?</p> <p>19 A. I guess I didn't have to.</p> <p>20 Q. Declaration. Excuse me. I was using the wrong</p> <p>21 term. Your answer was what?</p> <p>22 A. I was told to get everyone's signature, so I got</p> <p>23 hers, too.</p> <p>24 Q. Is it your testimony sitting here today that she</p>	<p style="text-align: right;">81</p> <p>1 from memory and so I want to go back over some</p> <p>2 of that and I may have some documents that can</p> <p>3 help sort of refresh you, to some extent, about</p> <p>4 the timeline here.</p> <p>5 A. Okay.</p> <p>6 MR. OETHEIMER: First, why don't I begin,</p> <p>7 I'm going to mark as Exhibit 9. Laura, it's</p> <p>8 Anthony's own declaration.</p> <p>9 (Deposition Exhibit No. 9</p> <p>10 marked for identification.)</p> <p>11 Q. Mr. Cogliano, what you have in front of you,</p> <p>12 Anthony, has been marked as Exhibit 9. It's</p> <p>13 entitled Declaration. It has your name on it.</p> <p>14 Let me ask if you can tell us whether that's</p> <p>15 your signature on Exhibit 9?</p> <p>16 A. It is.</p> <p>17 Q. It says executed on -- do you see the date</p> <p>18 there?</p> <p>19 A. It says 6/11/22.</p> <p>20 Q. Earlier you had said that you were approached by</p> <p>21 Jack Walsh or someone else. I think you may</p> <p>22 have thought it was Jack Walsh to try to get</p> <p>23 some declarations and you said that was in June.</p> <p>24 Then at one point you said you got the form</p>

<p style="text-align: right;">82</p> <p>1 later in June. At one point you said it may</p> <p>2 have been July, may have been June.</p> <p>3 Does looking at Exhibit 9 sort of refresh</p> <p>4 your memory that you had it at least by June 11,</p> <p>5 you had the form?</p> <p>6 A. Correct. It's the day I probably got it.</p> <p>7 Q. Okay.</p> <p>8 MS. SHEETS: I sorry. I couldn't hear</p> <p>9 the last part of your answer.</p> <p>10 THE WITNESS: I said that's probably the</p> <p>11 day I got it.</p> <p>12 MS. SHEETS: Okay. Understood. Thank</p> <p>13 you.</p> <p>14 Q. (By Mr. Oetheimer) Before we move on from this,</p> <p>15 you're obviously a resident of this</p> <p>16 neighborhood. How far do you live from the</p> <p>17 plant?</p> <p>18 A. Less than a mile.</p> <p>19 Q. You have lived there a long time?</p> <p>20 A. 56 years. I lived on one street and moved a</p> <p>21 street over. Between both of them, within a</p> <p>22 mile of Wheelabrator.</p> <p>23 Q. Where did you live before living at 27 Serino</p> <p>24 Way?</p>	<p style="text-align: right;">84</p> <p>1 A. Yes.</p> <p>2 Q. Paragraph 3 says, "I do not ever notice unusual</p> <p>3 or unnatural amounts of dust or ash on my</p> <p>4 property."</p> <p>5 Did I read that correctly?</p> <p>6 A. You did.</p> <p>7 Q. Was that a true statement at the time you signed</p> <p>8 this in June?</p> <p>9 A. Yes.</p> <p>10 Q. Is it a true statement today?</p> <p>11 A. Yes.</p> <p>12 Q. Paragraph 4 reads, "I enjoy numerous activities</p> <p>13 outside at my property. Neither odors, dust,</p> <p>14 nor ash has affected my outdoor activities in</p> <p>15 any way."</p> <p>16 Did I read paragraph 4 correctly?</p> <p>17 A. Yes.</p> <p>18 Q. Was that true at the time you signed the</p> <p>19 statement in June?</p> <p>20 A. Yes.</p> <p>21 Q. Is it true today?</p> <p>22 A. Yes.</p> <p>23 Q. What types of outdoor activities do you engage</p> <p>24 in at your property?</p>
<p style="text-align: right;">83</p> <p>1 A. 25 Venice Ave. I lived there for the first 25</p> <p>2 years of my life. First 24 years.</p> <p>3 Q. Since then you've lived at 27 Serino Way?</p> <p>4 A. Yes.</p> <p>5 Q. You say on the form, 31 years?</p> <p>6 A. Correct.</p> <p>7 Q. So you filled this out. In addition to</p> <p>8 soliciting declarations from other residents in</p> <p>9 the neighborhood, you filled one out yourself</p> <p>10 because you also are a resident of that</p> <p>11 neighborhood close to the plant, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Let's just go over your statement. It says that</p> <p>14 you own your home, and do you own your home at</p> <p>15 27 Serino Way?</p> <p>16 A. Yes.</p> <p>17 Q. Two says, "I do not ever notice noxious odors at</p> <p>18 my home."</p> <p>19 Is that true?</p> <p>20 A. Yes.</p> <p>21 Q. It was true when you signed the statement in</p> <p>22 June of 2022?</p> <p>23 A. Yes.</p> <p>24 Q. Is it still true today?</p>	<p style="text-align: right;">85</p> <p>1 A. Oh, I had a swimming pool there for years. Just</p> <p>2 took it away last year. Basketball, played with</p> <p>3 the kids in the yard when they were little.</p> <p>4 MS. SHEETS: Forgive me, Anthony, for</p> <p>5 interrupting. I do want to put an objection,</p> <p>6 note it on the record here. The scope of this</p> <p>7 deposition, I think the discovery at this point</p> <p>8 is limited to obtaining or ascertaining the</p> <p>9 truth and veracity of the declarations that were</p> <p>10 provided and not to garner testimony about the</p> <p>11 use of his property.</p> <p>12 But sorry if I interrupted you, Anthony.</p> <p>13 THE WITNESS: No problem.</p> <p>14 MR. OETHEIMER: I understand. Your</p> <p>15 objection is noted, but my questions, I think,</p> <p>16 are seeking to elicit the veracity and accuracy</p> <p>17 of Mr. Cogliano's declarations. So that seems</p> <p>18 to be squarely within the scope. But in any</p> <p>19 event, your objection is noted.</p> <p>20 Q. (By Mr. Oetheimer) Paragraph 5, Mr. Cogliano,</p> <p>21 reads, "I do not think odors, dust, or ash have</p> <p>22 affected my property value."</p> <p>23 Did I read that correctly?</p> <p>24 A. You did.</p>

<p style="text-align: right;">86</p> <p>1 Q. Was that something you believed when you signed</p> <p>2 this on June 11, 2022?</p> <p>3 A. I know they haven't affected my property value.</p> <p>4 Q. How is it you know that?</p> <p>5 A. I'm a licensed real estate agent and I know how</p> <p>6 much my property is worth today compared to what</p> <p>7 I bought it for in 1991.</p> <p>8 Q. How long have you been a licensed real estate</p> <p>9 agent?</p> <p>10 A. Ten years.</p> <p>11 Q. Have you ever listed or sold properties in this</p> <p>12 neighborhood?</p> <p>13 A. Yes. Let me think which ones. I listed several</p> <p>14 properties in the neighborhood. Mostly --</p> <p>15 mostly commercial stuff. But have I listed --</p> <p>16 no, but I follow along with the real estate,</p> <p>17 what homes are worth in that neighborhood, and</p> <p>18 they are pretty significant.</p> <p>19 There's nothing -- there's nothing that</p> <p>20 differentiates that part of Saugus from another</p> <p>21 part.</p> <p>22 Q. Have you ever heard appraisers will sort of</p> <p>23 adjust fair market value for either positive or</p> <p>24 negative attributes of property, is that your</p>	<p style="text-align: right;">88</p> <p>1 but I understand that you completed them</p> <p>2 yourself and signed people's names, correct?</p> <p>3 A. Yes.</p> <p>4 Q. At some point the plaintiff, Ms. Sheets' firm,</p> <p>5 sought to take depositions of people. This is</p> <p>6 back in sort of late July, August time frame.</p> <p>7 Do you recall learning -- including I think your</p> <p>8 aunt was one of the four at that point, who was</p> <p>9 Sara Cogliano and Robert Catinazzo, and if I'm</p> <p>10 remembering correctly, Richard Nuzzo, and there</p> <p>11 was a fourth. But in any event --</p> <p>12 A. John Saroufim, I believe.</p> <p>13 Q. John Saroufim.</p> <p>14 Do you recall learning that those people</p> <p>15 were being sort of asked or called for</p> <p>16 depositions?</p> <p>17 A. Yes.</p> <p>18 Q. Did someone from Wheelabrator or on behalf of</p> <p>19 Wheelabrator contact you to seek an introduction</p> <p>20 to those people?</p> <p>21 A. Yes.</p> <p>22 Q. Do you recall who that was?</p> <p>23 A. I don't.</p> <p>24 Q. You testified on direct from Ms. Sheets that you</p>
<p style="text-align: right;">87</p> <p>1 understanding?</p> <p>2 A. Yes.</p> <p>3 Q. Have you ever heard of properties in your Saugus</p> <p>4 neighborhood west of the plant being sort of</p> <p>5 given sort of negative value adjustments because</p> <p>6 of the proximity of Wheelabrator?</p> <p>7 A. Never.</p> <p>8 MS. SHEETS: Objection. Richard, none of</p> <p>9 this is within the scope of what we are here to</p> <p>10 do today whatsoever. He already testified that</p> <p>11 his declaration is accurate and truthful.</p> <p>12 Anything outside of that is superfluous</p> <p>13 testimony. We are here on a very limited scope.</p> <p>14 MR. OETHEIMER: All right. Again, your</p> <p>15 objections are noted, but I think to determine</p> <p>16 the accuracy -- I think I can ask questions that</p> <p>17 go to whether -- establishing the accuracy of</p> <p>18 his declaration. That is within the scope.</p> <p>19 But in any event, I think I have</p> <p>20 completed my examination concerning</p> <p>21 Mr. Cogliano's own personal declaration and I</p> <p>22 will move on to other topics.</p> <p>23 Q. (By Mr. Oetheimer) Now, the initial declarations</p> <p>24 were in Exhibit 5. We can get them out again,</p>	<p style="text-align: right;">89</p> <p>1 thought you had an email with me at one point.</p> <p>2 I forget if you said in August or -- I don't</p> <p>3 know if you said August or July honestly.</p> <p>4 MR. OETHEIMER: But let me mark this as</p> <p>5 Exhibit 10.</p> <p>6 (Deposition Exhibit No. 10</p> <p>7 marked for identification.)</p> <p>8 MR. OETHEIMER: Laura, you do not have</p> <p>9 this. I saw one of the emails we produced there</p> <p>10 was a reference that I was going to text</p> <p>11 Mr. Cogliano. It's a very short text, but I</p> <p>12 will read it to you in full.</p> <p>13 It's Monday, August 1, 2022. "Anthony,</p> <p>14 this is Richard Oetheimer, Wheelabrator's</p> <p>15 attorney. Please call me," and my cell number</p> <p>16 which I won't put in the record, but it is on</p> <p>17 the text.</p> <p>18 Q. (By Mr. Oetheimer) Do you recall me reaching out</p> <p>19 to you in early August?</p> <p>20 A. Yes.</p> <p>21 Q. Do you recall providing telephone numbers to me</p> <p>22 for some of the people whose depositions had</p> <p>23 been noticed?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">90</p> <p>1 Q. Do you know whether we ever -- and actually I</p> <p>2 texted you I think because your voice mail box</p> <p>3 was full. I don't think we spoke this day. But</p> <p>4 do you recall that you did call me back?</p> <p>5 A. Yes.</p> <p>6 Q. And provided telephone numbers?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recall me subsequently contacting you</p> <p>9 again to ask you about who had signed after I</p> <p>10 spoke with Mr. Catinazzo, I believe it was?</p> <p>11 A. Yes.</p> <p>12 Q. I told you that he had told me that he had</p> <p>13 spoken with you but he hadn't signed the</p> <p>14 statement?</p> <p>15 A. Yes.</p> <p>16 Q. Do you recall that?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know when that conversation occurred?</p> <p>19 A. No.</p> <p>20 Q. Let me refer you to Exhibit 4. These are</p> <p>21 Wheelabrator's interrogatory answers that</p> <p>22 Ms. Sheets had referred you to earlier. I'm</p> <p>23 going to refer you specifically to the page, the</p> <p>24 bottom of page 14 and top of page 15. This is</p>	<p style="text-align: right;">92</p> <p>1 A. Yes.</p> <p>2 Q. Do you know whether the statement that Richard</p> <p>3 Nuzzo in poor health and not able to leave his</p> <p>4 home, do you know if that's correct?</p> <p>5 A. 100 percent accurate.</p> <p>6 Q. Did you at some point visit Mr. Nuzzo to seek to</p> <p>7 obtain a statement or declaration from him?</p> <p>8 A. Yes.</p> <p>9 Q. What is his health condition? Do you have an</p> <p>10 understanding?</p> <p>11 A. He is obese.</p> <p>12 Q. He is morbidly obese?</p> <p>13 A. Yes.</p> <p>14 Q. And not able to sort of leave his house for</p> <p>15 mobility. Have you known Mr. Nuzzo a long time?</p> <p>16 A. 56 years.</p> <p>17 Q. Do you also know his brother Anthony?</p> <p>18 A. Yes.</p> <p>19 Q. Mr. Nuzzo is one of people who ultimately was</p> <p>20 deposed, not in August but in December. He was</p> <p>21 shown declarations and had some difficulty sort</p> <p>22 of recognizing or authenticating his signature.</p> <p>23 Did you get Mr. Nuzzo's signature on a</p> <p>24 declaration?</p>
<p style="text-align: right;">91</p> <p>1 the answer to interrogatory No. 18.</p> <p>2 MR. FAMA: 13 and 14?</p> <p>3 A. Did you say 14 and 15?</p> <p>4 Q. Starting on page 14.</p> <p>5 A. Okay.</p> <p>6 Q. These are the four people that were noticed for</p> <p>7 depositions. I think they were noticed in July,</p> <p>8 they were scheduled for August 15th.</p> <p>9 First, in the second paragraph it refers</p> <p>10 to your aunt, Sara Cogliano. And it says,</p> <p>11 "Counsel did not contact Sara Cogliano, as</p> <p>12 Wheelabrator had been advised by her nephew,</p> <p>13 Anthony Cogliano, that she had sustained</p> <p>14 injuries in a fall and would not be able to</p> <p>15 appear."</p> <p>16 Is it true that your aunt had sustained</p> <p>17 injuries in a fall sometime around this time?</p> <p>18 A. Yes.</p> <p>19 Q. Then it says, the next paragraph says, "Attorney</p> <p>20 Oetheimer spoke on August 3, 2022, with Richard</p> <p>21 Nuzzo who said that he was not able to leave his</p> <p>22 home to attend a deposition due to his poor</p> <p>23 health."</p> <p>24 Do you see that?</p>	<p style="text-align: right;">93</p> <p>1 A. Yes.</p> <p>2 MS. SHEETS: Richard, we are talking</p> <p>3 about the supplemental declaration, correct?</p> <p>4 Q. Do you know when you got his signature?</p> <p>5 A. It was the second go-round.</p> <p>6 Q. The next paragraph on page 14 says that,</p> <p>7 "Attorney Oetheimer spoke with John Saroufim on</p> <p>8 August 8th, 2022."</p> <p>9 Obviously you don't know whether I spoke</p> <p>10 with Mr. Saroufim or not, correct?</p> <p>11 A. I think you told me you did.</p> <p>12 Q. You would only know from me?</p> <p>13 A. Correct.</p> <p>14 Q. In other words, you didn't hear it from him?</p> <p>15 A. Right.</p> <p>16 Q. I'm not asking you to take my word on this, but</p> <p>17 it says that, "Mr. Saroufim stated," in other</p> <p>18 words, stated to me, "that he had moved to</p> <p>19 Florida the month before, i.e., in July of</p> <p>20 2022."</p> <p>21 Do you know if he had moved?</p> <p>22 A. He has moved.</p> <p>23 Q. He was around back at the time you got the</p> <p>24 initial declarations in June or July, he was</p>

<p style="text-align: right;">94</p> <p>1 still here?</p> <p>2 A. Correct.</p> <p>3 Q. But by August he had moved?</p> <p>4 A. Correct.</p> <p>5 Q. So you did not go out in August, you were not</p> <p>6 asked to go out and try to get a new declaration</p> <p>7 from him because he was no longer here; is that</p> <p>8 right?</p> <p>9 A. I would have loved to have gone to Florida.</p> <p>10 Q. Yes. It's a little hot in Florida in August.</p> <p>11 Trust me.</p> <p>12 The next paragraph states that, "Attorney</p> <p>13 Oetheimer spoke with Richard Catinazzo on August</p> <p>14 9, 2022."</p> <p>15 A. Robert Catinazzo.</p> <p>16 Q. Robert Catinazzo. I'm sorry.</p> <p>17 It says, "When counsel referenced the</p> <p>18 statement he signed earlier in the summer 2022,</p> <p>19 Mr. Catinazzo said he did not sign any</p> <p>20 statement."</p> <p>21 On the next page, it says that I had a</p> <p>22 telephone number for you, do you recall me</p> <p>23 calling you to tell you that Mr. Catinazzo had</p> <p>24 said he had not signed the statement?</p>	<p style="text-align: right;">96</p> <p>1 Mr. O'Friel where we asked you about all the</p> <p>2 declarations?</p> <p>3 A. Yes.</p> <p>4 Q. Do you have a recollection that at one point</p> <p>5 earlier in that call you were speaking and you</p> <p>6 were on mute and we had to tell you to turn on</p> <p>7 your mike?</p> <p>8 A. Did we do a Zoom call? Is that what it was?</p> <p>9 Q. I honestly don't remember, whether it's Zoom,</p> <p>10 Teams, or a call, but I know we spoke on the</p> <p>11 morning of the 12th.</p> <p>12 In any event, whether it was Zoom or</p> <p>13 Teams, you recall that we had a call and we</p> <p>14 asked you about the declarations?</p> <p>15 A. Yes.</p> <p>16 Q. What did you tell us on that call?</p> <p>17 A. That I signed them.</p> <p>18 Q. Right. To the best of your knowledge, the call</p> <p>19 that I had with you on August 10th and then the</p> <p>20 follow-up call with myself and Michael O'Friel</p> <p>21 on -- call on August 10th about Mr. Catinazzo's</p> <p>22 declaration and the follow-up call on August</p> <p>23 12th where we talked about the other</p> <p>24 declarations, to the best of your knowledge and</p>
<p style="text-align: right;">95</p> <p>1 A. Yes.</p> <p>2 Q. What did you tell me in response?</p> <p>3 A. That I signed it.</p> <p>4 Q. Do you recall that shortly after that, we</p> <p>5 arranged a call with myself and you and the</p> <p>6 in-house attorney from Wheelabrator, Michael</p> <p>7 O'Friel, because we wanted to find out basically</p> <p>8 whether you had signed other statements?</p> <p>9 A. Yes.</p> <p>10 Q. Do you have a recollection, independent</p> <p>11 recollection, of when that call was?</p> <p>12 A. I don't know the date.</p> <p>13 Q. Was it soon after when I spoke with you on</p> <p>14 August 10th?</p> <p>15 A. Yes.</p> <p>16 Q. Going back to Exhibit 10, this is kind of a</p> <p>17 strange message, but do you see the text there,</p> <p>18 Friday, August 12th?</p> <p>19 A. Yes.</p> <p>20 Q. "You were on mute."</p> <p>21 Do you have any recollection -- do you</p> <p>22 know what that refers to?</p> <p>23 A. I don't.</p> <p>24 Q. Do you recall having a call with both myself and</p>	<p style="text-align: right;">97</p> <p>1 recollection, was that the first time that the</p> <p>2 issue of the signatures came up?</p> <p>3 A. Yes.</p> <p>4 MS. SHEETS: I would just like you to</p> <p>5 clarify for the record, Richard. Came up with</p> <p>6 who? With you?</p> <p>7 Q. (By Mr. Oetheimer) That was the first time that</p> <p>8 anybody on behalf of Wheelabrator had asked you</p> <p>9 whose signatures were on those declarations?</p> <p>10 A. Correct.</p> <p>11 MS. SHEETS: Objection.</p> <p>12 Q. Those conversations were with myself and</p> <p>13 Mr. O'Friel, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Prior to those conversations, that issue, the</p> <p>16 issue of who had signed the declarations, had</p> <p>17 not been discussed by you with me or with</p> <p>18 Mr. O'Friel?</p> <p>19 A. Correct.</p> <p>20 Q. Or with Mr. Walsh or anyone else at</p> <p>21 Wheelabrator?</p> <p>22 A. Correct.</p> <p>23 Q. On Exhibit 6, which is the so-called</p> <p>24 supplemental, the August declarations, you were</p>

<p style="text-align: right;">98</p> <p>1 asked by Ms. Sheets whether they were all signed</p> <p>2 on August 22nd and 23rd?</p> <p>3 A. Yes.</p> <p>4 Q. I'm going to refer you -- I have to first hand</p> <p>5 them back to you. Before I hand them back to</p> <p>6 you, do you recall when you first made</p> <p>7 arrangements to go around and see people, that</p> <p>8 there were people who sort of were away or</p> <p>9 weren't available initially?</p> <p>10 A. Correct.</p> <p>11 Q. Ultimately, John Russo didn't sign, correct?</p> <p>12 A. Correct.</p> <p>13 Q. For the reasons you stated. Do you recall</p> <p>14 whether had he been away initially when you</p> <p>15 tried to get his signature?</p> <p>16 A. I don't recall.</p> <p>17 Q. Well, that's understandable.</p> <p>18 Let me hand you back Exhibit 6. I'm</p> <p>19 going to refer you the declaration of Anthony</p> <p>20 Nuzzo. Anthony is Richard's brother?</p> <p>21 A. Yes.</p> <p>22 Q. They live side by side?</p> <p>23 A. Yes.</p> <p>24 Q. By the way, did they always live at that address</p>	<p style="text-align: right;">100</p> <p>1 people?</p> <p>2 A. Yes.</p> <p>3 Q. If you still have Exhibit 4 in front of you, why</p> <p>4 don't you read -- I know Ms. Sheets had you do</p> <p>5 this with several of the interrogatory answers.</p> <p>6 I'm not sure she did it with this one or not.</p> <p>7 Why don't you read the answer to</p> <p>8 interrogatory No. 18, which begins at page 14 in</p> <p>9 its entirety. It starts on page 14 and ends</p> <p>10 towards the bottom of page 15 and take your time</p> <p>11 to read it and then I will ask you about it.</p> <p>12 A. Okay.</p> <p>13 Q. I understand that there is some information</p> <p>14 within interrogatory No. 18 that you wouldn't</p> <p>15 know. For example, you don't know when I called</p> <p>16 Ms. Sheets to tell her about the signature</p> <p>17 issue, correct?</p> <p>18 A. Correct.</p> <p>19 Q. You obviously also don't know whether</p> <p>20 declarations, you don't know anything about</p> <p>21 declarations obtained from Revere residents,</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. But insofar as it relates to things you do know,</p>
<p style="text-align: right;">99</p> <p>1 or that location?</p> <p>2 A. They did.</p> <p>3 Q. Then at some point the family house was --</p> <p>4 A. They had probably an 800-square-foot house on</p> <p>5 that lot and then they tore it down and built a</p> <p>6 duplex on the lot.</p> <p>7 Q. So the brothers are side by side there now?</p> <p>8 A. Yes.</p> <p>9 Q. But they have lived there all their life?</p> <p>10 A. Correct.</p> <p>11 Q. Just in a different physical home?</p> <p>12 A. Right.</p> <p>13 Q. Do you see the date on Anthony Nuzzo's August</p> <p>14 supplemental declaration?</p> <p>15 A. Yes.</p> <p>16 Q. Can you read the date?</p> <p>17 A. It looks like 8/23 or 8/28, but it's not 8/22.</p> <p>18 Q. Okay. It could be August 28th?</p> <p>19 A. It could be.</p> <p>20 Q. Do you have any recollection that Mr. Nuzzo was</p> <p>21 one of the people you sort of had to go back to?</p> <p>22 A. Yes.</p> <p>23 Q. Because he was not available, for whatever</p> <p>24 reason, when you first went out to most of the</p>	<p style="text-align: right;">101</p> <p>1 is there anything in the answer to interrogatory</p> <p>2 No. 18 that you disagree with?</p> <p>3 A. No.</p> <p>4 Q. Insofar as it concerns events that concern you</p> <p>5 that you were involved in, everything in answer</p> <p>6 to interrogatory No. 18 is accurate so far as</p> <p>7 you are aware; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. Now, just as Ms. Sheets did earlier, I'll ask</p> <p>10 you some global questions and we can go to</p> <p>11 individuals if we need to. But with respect to</p> <p>12 the August -- Exhibit 6, you still have it in</p> <p>13 front of you? These are the August ones. These</p> <p>14 were all signed? Make sure you have Exhibit 6.</p> <p>15 MR. FAMA: He does.</p> <p>16 Q. So the 19 supplemental declarations in Exhibit</p> <p>17 6, were those 19 declarations -- and flip</p> <p>18 through them if you would like to because I want</p> <p>19 you to confirm -- now you understand that you</p> <p>20 are under oath today, correct?</p> <p>21 A. Yes.</p> <p>22 Q. I want you to affirm for the record and for the</p> <p>23 Court that all 19 of those supplemental</p> <p>24 declarations were personally physically signed</p>

<p style="text-align: right;">102</p> <p>1 by the residents who are named in those</p> <p>2 declarations?</p> <p>3 A. Yes, they are.</p> <p>4 Q. You personally obtained all of those signatures?</p> <p>5 A. I did.</p> <p>6 Q. Mr. Walsh saw some people sign because some</p> <p>7 people were in their yard or came out to the</p> <p>8 car, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Some people he didn't see because you may have</p> <p>11 gone up to them in the house, correct?</p> <p>12 A. Correct.</p> <p>13 Q. But you saw everyone sign?</p> <p>14 A. Yes.</p> <p>15 Q. Did you pressure or coerce anyone to sign?</p> <p>16 A. No.</p> <p>17 Q. Did you ask anyone to sign as a favor to you?</p> <p>18 A. No.</p> <p>19 Q. Did you ask anyone to sign saying, like, you had</p> <p>20 already signed it, and so, you know, you would</p> <p>21 be in a pickle or a problem if they didn't sign,</p> <p>22 anything to that effect?</p> <p>23 A. I don't recall.</p> <p>24 Q. Were you acting in your personal capacity?</p>	<p style="text-align: right;">104</p> <p>1 A. No.</p> <p>2 Q. Did anyone say they disagreed with anything on</p> <p>3 the form?</p> <p>4 A. No.</p> <p>5 Q. Now, on the bottom of the form, you can look at</p> <p>6 whichever one is in front of you, do you see the</p> <p>7 triple asterisk at the bottom?</p> <p>8 A. Yes.</p> <p>9 Q. That was on every document that people signed?</p> <p>10 A. Yes.</p> <p>11 Q. Did anyone ask you about that?</p> <p>12 A. No.</p> <p>13 Q. Did you call it to anyone's attention?</p> <p>14 A. No.</p> <p>15 Q. Did you provide any advice to anyone as to</p> <p>16 whether they should sign or not sign?</p> <p>17 A. No.</p> <p>18 MR. OETHEIMER: Why don't we take a</p> <p>19 moment. Just take a couple of minutes. Let's</p> <p>20 see if I have covered everything I wanted to</p> <p>21 cover. I think so.</p> <p>22 (Recess taken.)</p> <p>23 MR. OETHEIMER: Laura, you are up now if</p> <p>24 you have anything further.</p>
<p style="text-align: right;">103</p> <p>1 A. Yes.</p> <p>2 Q. As a resident of the neighborhood?</p> <p>3 A. Correct.</p> <p>4 Q. Did you feel you were asking them as a town</p> <p>5 official?</p> <p>6 A. No.</p> <p>7 Q. So you were not doing this in your official</p> <p>8 capacity?</p> <p>9 A. No.</p> <p>10 Q. Did you either ask people the questions on the</p> <p>11 form on Exhibit 3 or ask them to read them?</p> <p>12 A. I asked them questions.</p> <p>13 Q. Is there anyone who signed who said that they</p> <p>14 did experience odors?</p> <p>15 A. No.</p> <p>16 Q. Is there anyone who resisted signing?</p> <p>17 A. No. The only --</p> <p>18 Q. Mr. Russo?</p> <p>19 A. Mr. Russo.</p> <p>20 Q. He just said he wasn't sure if he should because</p> <p>21 he had worked at Wheelabrator?</p> <p>22 A. Correct.</p> <p>23 Q. Did Mr. Russo indicate that he had any problems</p> <p>24 with odors or dust from Wheelabrator?</p>	<p style="text-align: right;">105</p> <p>1 MS. SHEETS: Okay.</p> <p>2 Leo, I'm presuming you don't have any</p> <p>3 questions?</p> <p>4 MR. FAMA: No, I don't have any</p> <p>5 questions.</p> <p>6 MS. SHEETS: Okay. I just have a couple</p> <p>7 of follow-ups, Anthony. I want to make sure I</p> <p>8 clarify something.</p> <p>9</p> <p>10 Examination by Ms. Sheets:</p> <p>11 Q. Your testimony earlier today when I asked you,</p> <p>12 and again we are looking at the first set, okay,</p> <p>13 not the supplemental, but the first set of</p> <p>14 declarations, when you had them all filled out,</p> <p>15 I asked you who you gave those to, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Your testimony, and correct me if I'm wrong, was</p> <p>18 that you gave those completed initial</p> <p>19 declarations to Jack Walsh, correct?</p> <p>20 A. I believe so.</p> <p>21 Q. Okay. Today earlier I asked you at the time if</p> <p>22 you had informed Mr. Walsh that at the time that</p> <p>23 you gave them to him, that you had signed those</p> <p>24 declarations and you responded yes. Do you</p>

<p style="text-align: right;">106</p> <p>1 recall that?</p> <p>2 MR. OETHEIMER: Objection.</p> <p>3 A. I don't know if I told Jack at that time or not.</p> <p>4 I know I told him, but I don't know when it was.</p> <p>5 Q. Okay. Also, you talked a little bit to Richard</p> <p>6 about your experience as a real estate agent. I</p> <p>7 can appreciate that.</p> <p>8 Is it your understanding that the claim</p> <p>9 in our case, if you do understood it at all, is</p> <p>10 that valuation, property values in the area,</p> <p>11 have not increased at all over time as a result</p> <p>12 of the facility's proximity to people homes?</p> <p>13 A. Could you repeat the question.</p> <p>14 Q. Sure.</p> <p>15 Is it your understanding that we are</p> <p>16 claiming in this case that property values have</p> <p>17 never increased in the area as a result of being</p> <p>18 a neighbor of Wheelabrator?</p> <p>19 A. No, I don't believe anyone would make that</p> <p>20 statement. They have never increased over 46</p> <p>21 years? I think that would be crazy.</p> <p>22 Q. Correct. Okay. So you don't have an</p> <p>23 understanding then that we are alleging that the</p> <p>24 proximity of the facility in its current state</p>	<p style="text-align: right;">108</p> <p>1 Q. -- by anyone from Wheelabrator?</p> <p>2 A. No.</p> <p>3 Q. Okay. Understood. Thank you. That's all I</p> <p>4 have.</p> <p>5 A. Let me just rephrase that.</p> <p>6 I was instructed after the first set that</p> <p>7 I had to have the people sign them. That's my</p> <p>8 instruction.</p> <p>9 MS. SHEETS: You are correct. That's a</p> <p>10 good clarification. My question was regarding</p> <p>11 initial declarations. Understood. We are on</p> <p>12 the same page.</p> <p>13 Thank you very much for coming today. I</p> <p>14 appreciate it.</p> <p>15 MR. OETHEIMER: Okay.</p> <p>16 (Deposition concluded at 4:33 p.m.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">107</p> <p>1 is an internal factor that negatively impacts</p> <p>2 property values, correct?</p> <p>3 A. I have no idea what you're claiming. I can't</p> <p>4 say that.</p> <p>5 Q. Okay. Understood. Your experience as a real</p> <p>6 estate agent, have you ever done a mass</p> <p>7 appraisal?</p> <p>8 A. I don't do appraisals.</p> <p>9 Q. In your experience as a real estate agent, have</p> <p>10 you ever looked at a stigma as an external</p> <p>11 factor that would negatively impact property</p> <p>12 values?</p> <p>13 A. No.</p> <p>14 Q. Okay. The only other thing I wanted to ask you</p> <p>15 is, again after your testimony here today, it</p> <p>16 sounds to me, again, correct me if I'm wrong,</p> <p>17 that you were talked to by several people and</p> <p>18 asked about getting these declarations done for</p> <p>19 Wheelabrator, correct?</p> <p>20 A. Yes.</p> <p>21 Q. At any point were you ever given any instruction</p> <p>22 or direction as to how to get those declarations</p> <p>23 signed --</p> <p>24 A. No.</p>	<p style="text-align: right;">109</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3</p> <p>4 I, ANTHONY COGLIANO, do hereby</p> <p>5 certify that I have read the foregoing</p> <p>6 transcript of my testimony, and I further</p> <p>7 certify that said transcript is a true and</p> <p>8 accurate record of said testimony.</p> <p>9</p> <p>10 Signed under the penalties of perjury</p> <p>11 this day of , 2023.</p> <p>12</p> <p>13 ANTHONY COGLIANO</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

1 CERTIFICATE
2
3 COMMONWEALTH OF MASSACHUSETTS)
4) ss.
5
6 I, Robert M. Bramanti, Registered
7 Merit Reporter and Notary Public within and for
8 the Commonwealth of Massachusetts, do hereby
9 certify:
10
11 That, ANTHONY COGLIANO, the witness
12 whose deposition is hereinbefore set forth, was
13 duly sworn by me, and that the foregoing
14 transcript is a true record of the testimony
15 given by such witness.
16
17 I further certify that I am not
18 related to any of the parties in this matter by
19 blood or marriage, and that I am in no way
20 interested in the outcome of this matter.
21
22
23
24

IN WITNESS WHEREOF, I have
hereunto set my hand and seal this 31st day
of January 2023.

Robert M. Bramanti
Notary Public

My Commission expires:
September 9, 2027

[illegible]

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